Bomb

Volume 34. Wa

Notification.

THE want of a periodical Publication, which shall concentrate information of a COMMERCIAL nature, having been generally complained of, and the great advantages and utility of such a repository being obvious, the Editor of the Gazette has determined to supply the deficiency by issuing, every fortnight, a publication under the designation of the BOMBAY COMMERCIAL REGISTER. The first number to appear on Saturday the 3d of January 1824, and to be continued every fortnight.

The Register will contain an authentic statement, of all imports and exports at the Port of Bombay and at Subordinates, so as to afford a correct view of the commerce of WESTERN INDIA,—of the imports and Exports at Bushire, Bussora and Mocha, and if practicable at Muscat,—a Price Current, if correct data be procurable for the formation of one,—the rates of Exchange, —the value of Government Paper, list of shipping, and any information which we may receive from our Commercial friends and contributors, upon whose cooperation and assistance in furnishing data, we rely, as essential to the success of our project, We the more confidently rely on that support as our labors it is obvious, have rather popularity than profit in view.

We shall endeavour to compress the Statements within the compass of one sheet of the size of the Gazette paper. Price one Rupee.

Bombay, 10th Dec. 1823.

FIRST

Bombay Tontine

FOR THE BENEFIT OF SURVIVORS.

IN consequence of the unproductive state of the public Securities, and the very limited means afforded to individuals of investing money to advantage in this Country, the present is considered a favorable opportunity for establishing a TONTINE at this Presidency, under the designation of the "FIRST BOMBAY TONTINE."

The general principles of TONTINES are now so well known, and they have already stood the test of experience so well in this Country, that it would be superfluous to recur to them It is only necessary to mention that the Regulations of this Institution, although differing in some minor points, are framed upon the experience afforded by ex-

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—*John Stewart*, *John Lo*
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DTICE.

signees or their Assigns are ed to send for the two fol- on board the Ship England EAY Commander (which Sail for London on or about th Instant.) One directed T. ANVILL GRIFFITH Esq. received on board in London—Also one directed Captain HENDERSON to the Care of R. WALLACE Esq. Bombay.

Bombay, Dec. 9th 1823.

Sale.

NVERJEE

COONVERJEE

ereby Given.

rsday the 11th day of stant, will be put up House situate within Cooley Wadah, & all g in the Ware House BHECAJEE'S Shop. day December 1823.

D. SETON.,
SHERIFF.

ાંકાંનું• વેચાંણ*

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જંમબર• ૧૮૨૩

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ceived by Captain H. M. S. Leven issioners of H. M. en hundreds not ling at thirty days Evening.

9th Dec. 1823.

A CARD.

MACAO 1st FEBRUARY 1823.

NOTICE IS HEREBY GIVEN to the public in General that Mr. JOAQUIM de SOUZA has this day admitted MESSRS. CYPRIANO ANTONIO PACHECO; FALICIANO NARCIZO OZORIO; and JOAQUIM de SOUZA JUNIOR as partners in his Mercantile and General Agency Establishment and that the business thereof in future will be conducted under the Firm of

JOAQUIM de SOUZA Sons and Co.

Bombay 9th December 1823.

Messrs. Martelli & Co.

EUROPEAN WATCHMAKERS,

HAVE the honor to inform their frinds and the Public in general that they have removed their shop to the House No. 29 nearly opposite Messrs. BAXTER and Co's. in Medows Street, where business will be carried on as heretofore.

Messrs. MARTELLI and Co. embrace this opportunity to tender their grateful thanks to those Gentlemen who have honored them with their Commands, and respectfully solicit a further continuance of their Support, which they humbly hope they will secure by their exertions to merit the same.

Bombay 10th Dec. 1823.

Kempt and Co.

WILL SELL

BY PUBLIC ACTION

AT THEIR ROOMS

This day Wednesday the 10th Instant,

TO CLOSE SUNDRY ACCOUNTS.

PLATED Ware—Saddlery—Jewellery, a Bale of Flannel in lots of one piece—Books—various useful articicles of Household furniture &c. &c. several pices of Shalloon of Colours

AT NOON.

"Some dozens of English Claret from "a respectable English House."

Bombay, 10th Dec. 1823.

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

Kempt and Co.

WILL SELL
BY PUBLIC AUCTION
On Tuesday the 16th Inst.
AT THEIR ROOMS
AN INVOICE OF

ENGLISH Sewing and Roping Twine, Lag Lines, Hour Lines, and Deep Sea Lines.

Paint Brushes of Sorts and Wall Brushes.

AN INVOICE OF

Broad Buntin Red White, Blue and Yellow.

Bombay 10th December 1823.

Kempt and Co.

WILL SELL
BY PUBLIC AUCTION
AT THEIR ROOMS,
On Saturday the 20th Deeember,
THE FOLLOWING

GOODS

RECENTLY IMPORTED,
AN INVOICE

OF Rich imitation Cachmere Shawls, of Colours with Rich double Borders, & Rich Pine ends; these Shawls, for beauty of Colours and fineness of Fabric far surpass any hitherto imported into this place from England.

AN INVOICE.

Of Real Lace Veils plain and sprigged of sizes from 25 Inches by 43 Inches, to 34 by 46—White Martellas Shawls, Dresses Plain and Sprigged—and Footing lace of Patterns.

AN INVOICE OF SUPERIOR MUSLINS.

COMPRISING

Vein Bordered imitation Handkerchief,—India Books, and Mulls.

Dresses, Jamdany, India Books, Sprigs—Cambric, Mull, Jaconet, Leno, Flounce Dresses—Bandanna Flounce filled, and Sewed Jaconet.

Mull Collars, or Necks—Trimmings, Stripes, Flouncings—Coloured Book Flouncings.

Jamdany Pelisses 3 yards each—Jaconet Scarfs—Gown Bodies, one made up to shew the Pattern &c. &c.

Kempt and Co.

Respectfully acquaint the Ladies, that the foregoing are now on view and will so continue until two days before the Sale.

Bombay, 6th Dec. 1823.

FOR SALE
AT
Framjee Cowasjee's

OFFICE.

A FEW whole and half Chests of Carbonell's Claret lately imported per Katherine Stewart Forbes at 45 Rs. per dozen.—"Terms Cash."

(2) Bombay, 3d Dec. 1823.

Eduljee Cursetjee's Sons
WILL SELL
BY PUBLIC AUCTION
On Monday next the 15th Instant,
AT THEIR ROOMS
THE SUNDRY ARTICLES
Belonging to the Estate of the

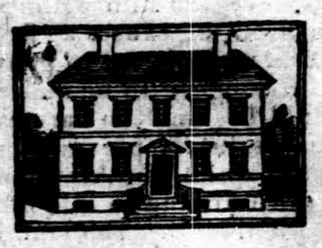
Doctor Guseley

DECEASED.

CONSISTING of a small collection of valuable Medical and other Books, a Double Barrelled Gun in Mohogany Case by Mortimer, with some Articles of Surgical Instruments &c. &c.

Bombay, 10th Dec. 1823.

Eduljee Cursetjee's Sons
WILL SELL
BY PUBLIC AUCTION
AT THE PREMISES
On Monday the 29th Instant
At 4 o' Clock in the afternoon
THE HOUSE
IN MEADOW STREET
BELONGING TO
WILLIAM MACKIE Esq.
Late president of the Medical Board



THIS House has been let at the rent of £ 350, payable in England on a lease of Ten years which expires on the 1st January 1824 the House may be seen at any time between the hours of 10 and 4 and the title deeds, may be inspected on application to EDULJEE CURSETJEE'S SONS.

Bombay, 10th Dec. 1823.

જાહેર ખબર

દિલજી·ખરશેદજીનાં·છોકરા ઓ· તારીખ· ૨૯ મી· ચાલતા મહીનાની· શોમવારને· દીને· પા છલા પોહોરનાં· ૪ કલાકને· અ મલે· મીડો·ડશતરીટમો· ઘેર ૧ જે જગોઉ પરછે·તે·જગો· જાહેર· લીલાંઉ કરીને· વેચશે * ઈ·ધર·ઉ લીખ્યાંમ·મેકી· ડશકોઈરજે· આ ગલ· શ્રી· મુમબઇની· મીડીકાલ ખોરડનો· અધીકારી· હતો· તેણુ છ * અને· ઈધર ૧ · તે· દર·વરશ ૧ . નાં· ૩૫ · ઓનડને· હશાબે· લાડે આપેલુ છે· તે·લાકું·શ્રી·લંડનમો· લનુંકી યુંછે·તેહની·મુદત· તારીખ· ૧ લી·જનેવારી ૧૮ ૨૪ ને·દીનથી પુરીથાશે *

અને·ઈધર·જેહને·જોવુંહોઈતે શહવારથી· ૧૦ કલાકને· અમ લેથીને· ૪ કલાક·શ્રધીમો·જાઇ ને· જુઈ * અને·ઈધરનુંખત· જોવું હોઈતો·દિલજી·ખરશેદજી·નાં·છો કરાવોને·તાંહાંજાઇને·જુઈ *

તા૦ ૧૦ મી·ડીસેંમબર ૧૮૨૩

GENERAL ORDERS.

BOMBAY CASTLE, 2d November 1823.

By the Hon'ble the Governor in Counsil.

IN consequence of the death of Lieutenant J. Attenburrow on the 21st ultimo, the Hon'ble the Governor in Council is pleased to make the following promotion.

11TH REGIMENT N. I.

Ensign Alexander Barnes, to be Lieteenant vice Attenburrow deceased—Date of Rank 22d November 1823.

Bombay Castle, 3d December 1823.

Lieutenant George Duvernet, Acting Adjutant of the 1st Battalion 5th Regiment N. I., is appointed Adjutant to that Battalion from the 1st instant.

In consequence of the death of Lieutenant Frederick Graham on the 26th ultimo, the Hon'ble the Governor in Council is pleased to make the following promotion.

4TH REGIMENT N. I.

Ensign A. H. Bond, to be Lieutenant vice Graham deceased—Date of Rank 27th November 1823.

Bombay Castle, 3d December 1823.

The Hon'ble the Governor in Council confirms an order by Lieutenant Colonel Prother C. B. appointing Lieutenant D. Forbes of the 2d Battalion 1st or Grenadier Regiment N. I., to act as Executive Engineer at baroda, during the absence of Lieutenant Wadeington to the Presidency on his private affairs.

By Order of the Hon'ble the Governor in Council
W. NEWNHAM,
Chief Sec. to Govt.

Head Quarters: Bombay, Thursday 27th Nov. 1823.

By The Commander in Chief

1. The undermentioned Officers composing the Suite of the Commander in Chief, are to attend His Excellency, on his approaching Tour of Inspection to the Northern Provinces, and are to hold themselves in readiness to proceed to Surat, Lieutenant Colonel Hunter Blair—Military Secretary.

Major Jackson, and Captain Havelock—Aides de Camp.

2. The Commander in Chief hopes to reach Surat about the 7th—Baroda 18th and Kira 25th December—All Communications for His Excellency and the Military Secretary will be directed accordingly, and they will at a later period be directed to Kira, untill further Orders.

mbay Saturday 29th Nov. 23.

Commander in Chief

ndermentioned Officers have their Furhe Presidency extended to the periods speciow,

aptain Capon 1st Battalion Gr. Regiment N. I. to the 15th proximo.

Lieutenant Gidley 2d Battalion 6th Regiment N. I. to the 8th do.

Ensign French 2d Battalion 12th Regiment N. I. to the 10th do.

W. P TUCKER.
Deputy Adjt. Genl. of the Army.

DUNS.—A Supplement to Linnæus.

Sir, remember my *bill.—Arbuthnot.*

A Dun has ever been to me an object of the most intense interest. From my earliest youth, *ab ineunte adolescentia*, metaphorical 'hot water' has been my habitual element, in which all the world knows that duns are as plentiful as whales in the Artic Seas, or herrings in the Bay of Chesapeake. As I have enjoyed the greatest facilities of observation and experiment on these animals. I may, without vanity, pretend to some acquaintance with their natural history, and think myself well qualified to write a dissertati. on on them. Dun? *unde derivatur?* Johnson says from *dunan*, (Saxon) to clamor. In this etymology I can by no means concide. All duns are not vociferous, as I trust I shall be able to demonstrate in the sequel. This Johnson ought to have known from his own experience but probably he had been assailed by a rattle-dun a little before he came to this word in his dictionary, and so was induced to adopt this suspicious derivation. I reject it, however, from its want of general applicability, and humbly propose two ingenious etymologies of my own; Dun; from *possum*, because a dun does his best, *fait tout son possible*, to get his money; or, from the adjective expressive, of the colors so called. I confess I am strongly prepossessed in favor of the latter conjecture, by what Newton says on this subject: his words are—'We are not to expect a strong and full *white*, such as is that of paper; but some *dusky*, *obscure* one, such as might arise from a mixture of *light* and *darkness*, or from *white* and *black*; that is, a *dun*? Now this I take to be a complete description of the animal and his habits, as well as of the color. 'We are not to expect a strong and full white,' &c.; this applies to that part of a dun which, in zoological science, is usually termed the *bill*. Now this, as Sir Issac well observes, is never completely white, but always marked with dark characters, and it often assumes a dusky hue, the result of neglect or too frequent pecking. What the master of the mint says of the mixture of white and black expresses the dun to the very life; who always gives us every thing in *black* and *white*. In fact, the whole description completely tallies with all we know of the habits and character of duns in general. The terms 'dusky' and 'obscure, express the gloomy looks and tenebrose demeanor of the dun, and the mixture of light and darkness marks the wavering, undecided character; the infirmity of purpose, we often observe in those beings; a sort of insipid medium between saint and devil a composition neither fish, flesh, nor good red-herring.—So much for etymology.

The dun, or, 'flagitator,' is a genus of the division Adhærentia, class Dammalia, order Boreana. This animal bears some resemblance to the human form, and possesses the faculty of speech' but not that of reason. The generic characters are:—bill, length more or less; incisors, remarkably sharp; claws, perfectly retractile, as in the true carnivora, and capable of the most wonderful tenacity; face, of great longitudinal extension; sight, very acute Many of the individuals of the different species are furnished with long *tails*.

The first species I Shall notice is the Rattle-dun, or Flagitator Clamitans. This is a most pestiferous animal, but more noisy and troublesome than really dangerous. It is an inhabitant of all climates; but I think it abounds more in France and Ireland than in this country. The mode of this animal's attack is by the voice. Its clamors are dreadful, and sometimes produce the most violent effect on weak nerves. The best way, when attacked by it, is to remain quiet, and offer it no opposition. It will soon exhaust itself by its own vociferation. If irritated by resistance, it will continue screaming for hours together, in the most horrible manner. The females of this species are far more numerous than the males, and infinitely more formidable

The next species is the Flagitator Prolixus, or long-winded dun. This differs from the last specific variety in being much less loud and noisy, but infinitely more tedious and persevering in its gabble. This animal deals in prosing narratives, of immeasurable length and dulness. When it once begins, it is next to impossible to stop or even interrupt it: it literally drowns its victims in a shower of talk, as the pole-cat smothers its pursuers in a shower of another kind. For my own part, I cannot recommend any more effectual defence against a dun of this kind, than patience, and cotton for the ears. The evil gives way only to this remedy, as gout is said to yield only to patience and flannel Interruption only prolongs the nuisance. N. B. This animal sports a prodigiously long tail.

The Flagitator Mutus, or silent dun, unlike the two last species very little. But he makes up from this, by the most struculent, and ominous scowl that can be well imagined. Terror seems seated on his brow, and dark unutterable ponderings. He is not, however, so dangerous as at first sight might be supposed. This gloomy and fearful aspect is more generally indicative of constitutional surliness, and a sort of phlegmatic discontent at insolvency, than any settled ill-design or deep-rooted malevolence. The appearance of a dun of this kind causes, at first, some very uncomfortable sensations, but custom soon teaches us to regard him without uneasiness. Like King Log, he causes at first a terrible fright, but after a while is apt to grow contemptible. The only danger, to be apprehended, is, that we should become too careless about him, and neglect all salutary precaution. For in spite of his usual quietism, his talent ferocity will at times break out, and in cite him to peck most fatally with his bill. England is the native country of this species, though it is often found elsewhere.

The Flagitator Subridens, or smiling dun, is quite opposite to the last in external characters. The countenance is invariably dressed in smiles, and melting compliments flow from the tongue like manna. An acute observer can, however, easily discover the smile of this dun to be nothing but the *risus Sardonicus*, which Johnson somewhere admirably defines to be 'a distortion of the risible muscles, without any corresponding hilarity of the heart.' This animal is by far the most dangerous of the whole tribe, and ought to be shunned like a pestilence. He smiles amiably at the very moment he is about to play the most scurvy tricks. A dun of this species entered my room one morning while I was sick in bed, and after condoling with me on the state of my health, and expressing the most ardent wishes for my recovery, dragged me out of bed, with the assistance of two other animals of the genus bailiff, and hurried me away to a loathsome den at some distance, to the manifest peril of my life. From this hole I did not escape for many days, nor without very considerable loss of blood, from the bite of a sanguivorous animal, which bears a very strong analogy to the Vampyre-bat of the West Indies.

Another species is, the Flagitator Tenax, or adhesive dun. This dun fastens on his unlucky victim, and stricks to him so closely as to require the utmost violence to effect a separation When you meet a dun of this kind abroad, he seizes you by the skirt of the coat, or some other part of your dress, and generally accompanies you wherever you are going, uttering a low inarticulate sort of growl, in which you may occasionally distinguish the words, 'long due,' hard, times,' 'much credit,' &c. &c. If you receive a visit from him at your own house, you may think yourself fortunate if he leaves you within four hours. There are many ways, however, by which you may shake off these troublesome animals. You may sometimes leave them in the channel with good effect, when they attack you in the street. This may be done apparently without intention, while you seem to vade a justling passenger on your other side. A friend, more goodnatured than Fuscus Aristirus, may some times preserve you, by carrying you off by main force. An excellent method is to rush with your appendage into a thick crowd, or cross the street in an impetuous torrent of carts and coaches. You are sure to lose him by this means, and it is ten to one that he does not break his neck in attempting to follow you. If you see him before he fastens on you, you may drive headlong agianst him, and push him down, without stopping to make an apology. This you will find a most effective application of the medical maxin,' Venienti occurite morbo.' When he has actually seized you, you may feign sickness, run into a shop and call for cold water, or being to foam at the mouth like a mad dog. Your persecutor will be off immediately. A mode, near akin to this, is to pretend that you are just recovered from a typhus; or other contagious disease; just landed from the West Indies, where you left the yellow-fever at its height; or that you have brought over the plague in your breeches-pockets, from Malta or Constantinople. If a dun of this tribe should enter your house, there are various modes by which he may be dislodged. You may smoke him out, as they do bugs, by heaping your fire with green wood. If it be winter, you may starve him with cold, by keeping him in a room without a fire? or, (as Dean Swift once served a shoemaker) you may lock him up for some hours in your garden; or else, you may place him in a strong draught of air, so that he shall infallibly catch the acute rheumatism, or some worse disorder. Menou, the French General, of Egyptin celebrity, once flung an animal of this kind out of a window at Naples; but I can scarcely venture to recommend the adoption of this plan in England. It might be dangerous. Besides, the result of such an experiment could never be calculated with sufficient precision; and while you intended only a simple sprain, or slight dislocation, you might, peradventure, establish a compound fracture. Should this creature creep in on you after dinner, you may make him drunk, and then have him removed by an arbitrary 'habeas corpus. If he come to breakfast, infuse an opiate into his tea? or still better, a brisk cathartic. For my own part, I declare for the latter method: it was always pursued with great succeess by a General officer of my acquaintance, who was profoundly versed in the habits and character of the Flagitator genus.

N. B. Most of the plans recommended with this species, may be successfully followed with others.

The last species I shall notice is the 'Insinuato,' or dun by implication. This dun never makes a direct attack. He hovers gracefully around his prey in a multiplicity of concentric circles, describing the periphery of the first at the greatest possible distance from the common centre, and gradually narrowing his revolutions, until he arrives at a point where it is just barely possible to draw a discernible line of circumference about the object of his attraction. This animal is neither very dangerous, nor violent; but it is next to impossible to escape him.

I do not pretend to have enumerated here all the species, nor particularised all the habits of this tribe of animals. To do so would be to exceed the limits I have prescribed to this paper. It will be sufficient if, by this hasty sketch, I shall be able to awaken the attention of profounder naturalists, to a branch of Zoological science most undeservedly neglected.

[*Madras Courier,—November* 25.

Bombay.

Prices of Cotton Dokra Rs.	116 a 120	Per Surat Candy.
for China	124 a 129	
Europe	138 a 141	
Pepper with Drawback to Seller.	104 a 116 Per	588

In the last week the Price of Cotton has advan-

ce, very considerably and tho' the quality is for the most part inferior, a rise of seven Rupees per Candy has taken place in the lower and about Rs. 3 per Candy in the finer sorts.

EXCHANGE.

On London....6 mo's...sight....1 | 8½ 1 per Rupee..
Calcutta, 80 days....105 B'y R. per 100 Sicca
Madras.....do.....99 B'y Rs. per 100 Madras

COMPANY'S PAPER.

Remittable, 140 B'y Rs. per 100 Siccas, Nominal,
Unremittable, 121 B'y Rs. do do.
Spanish Dollar.....per 100—218 s.

THE GAZETTE

BOMBAY.

WEDNESDAY, 10TH DECEMBER 1823.

The arrivals since our last are the Anna Capt. Robertson, the Roberts Capt. Allport and the Glenelg Capt. Weddell from Calcutta; the Caroline and the Sophia from the Persian Gulf.

Capt. Weddell of the Glenelg has brought an account of a Ship, which left England some time in August, having touched at Alleppey a short time before his arrival there

The following heads of intellegence, Capt. Weddell procured from a copy of some public papers, the contents of which had been communicated at Alleppey by the Captain of the unknown.

A Battle had been fought between the French and Spaniards in which the latter were victorious, and it was reported that the French Army was retreating towards the Pyrenees & that Sir Robert Wilson and a Spanish General were severely wounded.

The King it is said had just recovered from an attack of gout, and Mr. Canning was dangerously ill.

The North of Ireland was in an alarming state of insurrection.

We publish the above on the authority of Capt. Weddell. We think it very possible that the Cumbrian or Sibbald had touched at Alleppey a short time previous to the arrival of the Glenelg there, and that Capt. Weddell's experienced acquaintance with the coast has given him an advantage in sailing over one of these Ships which, no doubt, he has passed unobserved; we may therefore expect one of them here every hour; at any rate the arrival of the Dawk from Alleppey in a day or two, will confirm or disprove the report.

On Thursday morning His Excellency the Commander in Chief, accompanied by his suite, left the Presidency for the Northern Districts under the usual Salute. His Excellency proceeded overland to Bassein from whence he was to embark on board the Pilot Brig Palinurus for Surat, and we understand he is not expected to return to Bombay before March or April. The Palinurus after leaving Surat continues her voyage to the Persian Gulph.

The Caroline la
Persian Gulf bring
tives of Mangalore
were forcibly seize
whilst on the shore
and carried on bo
which sailed for the , & landed them at Bareen. By mean with which we are unacquainted, they got intelligence of their condition to be conveyed to the Antelope, the officer of which obtained their release and carried them to Bushire whence they were transmitted here in the Caroline. An enquiry into the truth of this statement is, we hear, going on at the Police Office.

It is expected that the Asia will be floated out of Dock about next Wednesday.

The Dorothy is expected to sail for Liverpool on Friday or Saturday and the Katherine Stewart Forbes, for St. Helena and London, on Saturday the 13th Instant.

We have given at length, under the head of Calcutta News, the Judgment of the Court in the case of Bryce versus Ballard and others, on an application of Mr. Fergusson, that the late Verdict should be set aside, and a verdict for the Defendants should be granted our readers will see that the Court dismissed the application with Costs.

We regret that the press of other matter this week prevents our noticing the performancs of last Friday at our Theatre; We hope, however, to be able in our next to publish a Cretique.

The arrival of the Waterloo, Phœnix, and Barkworth from this Port is, we observe mentioned in the London Courier of the 28th June.

It is with much pleasure we publish the following Paragraphs from three English Journals which exhibit the improvement that has taken place at home in Trade and Manufactures.

COTTON TRADE.—The activity and increase of the cotton manufactures of this country are at present, surprising. Last week, there were sold in Liverpool 16,000 bags of cotton, and, on the previous week 25 000. Goods are brought up in the manufacturing districts of England as soon as manufactured. In Lancashire, we learn, that about seventy new cotton mills have been built, or are building. In this city and neighbourhood also we perceive these kind of buildings rising on evey hand. The trade of the port of Liverpool is increasing in a wonderful degree. The outlet of the great manufacturing districts of England continues to draw away much of the export trade from London and, we believe, that a good deal of the export trade of the Clyde is also centering in the same port. Such is the activity of the coasting trade between the Clyde and Liverpool—so well equipping, so great is the despatch by the vessels engaged in it—the regularity with which they perform the voyage—and so great is the quantity of goods now carried between the two ports, that their coasting vessels are enabled to transport the goods from Glasgow to Liverpool at a charge scarcely exceeding the former freight and agency to and at Greenock;

the
In May 3,300 chaldrons of coals,
present month, from the 9th to the 17t
upwards of 2,500 chaldrons of coals have been imported into the harbour. The outwards trade has been particularly brisk, especially the shipping of flints for the potteries in Staffordshire, a source of great employment far the poor, and revenue to the harbour.—*Brighton Gazette.*

In consequence of the great improvement in trade, St. Margaret's Parish will only require a shilling levy this next quarter; a heavy debt has also been got rid of, and their will be a considerable surplus in hand, a circumstance that has not occurred this age.—*Leicester Journal.*

Bombay.

ARRIVALS.—Lieut. Col. M. Kennedy Commg. S. Concan.
Ensign W. M. P. Sweedland H. M. 67th Regt.
Asst. Surgeon John Howeson Head Qr P. D. A.
Captain Kingston 26th Regt. Bengal N. I.
Lieut. J. B. Glennie 4th Regt.
Capt. F. Daly, 47th Regt.
Capt. J. A. Say 16th Regt. M. I.
Major Whitehill, 2d | 5th Regt.
Lieut. J. S. Iredell Asst. Commissary General.
Lieut. Wells, 2d | 8th Regt.
Asst. Surgeon Holmes, M. D. 17th Lancers.
Ensign J. Whitenose, 2d | 6th Regt.
Lieut. C. J. Westley, 1st | 10th Regt.
Lieut. E. Hallum, 2d | 5th Regt.
DEPARTURES.—Capt. Law, 8th M. N. I.
Lieut. C, H. Johnson 1st | 6th Regt.
Lieut. J. Robuck, E. Brigade.
Lieut. Col. M. Kennedy, Commg. S. K.
Lieut. D. W. Maw Baroda Resr. Escort.
Lieut. Richards, 2d | 4th Regt.
Ensign G. C. Stockley, 2d | 4th Regt.

Bombay.

ARRIVAL.—Dec. 3d Ship Anna Robertson, Capt Wm. Clerk, from Bengal 9th November.

7. Persian Ship Caroline, Nacqudah, Hagee Hamud, from Bushire 8th Nov.

8. Ship Roberts, Capt. R. Allport from Calcutta 9th Nov. Alephee 27th Tellechery 30th.

9. Ship Glenelg Capt. H. R. Weddell, from Calcutta 14th Nov. Alephee 28th Nov,

Ship Sophia Nacqudah Rushad, from Persian Gulph.

PASSENGERS.

Per Anna Robertson.—Mr. and Mrs. Asburn.
Per Roberts.—Lieut. Jas. Irepell, Mr. Loseival, Mr. Alsop.
Per Glenelg.—Mr. and Mrs. Morris and 2 Children.
DEPARTURE.—Dec. 6. Ship Thetis, Capt. C. R. Davies to Calcutta.

SHIPS LOADING.

English.—K. S. Forbes, for London.
England, for ditto.
Dorothy, for Liverpool.
Columbia, to ditto.
Anna Robertson, to Calcutta.
Constance, to Coast.

Calcutta.

Arrivals.—The English Ship Mexborough, Capt. Thos. Shipton, from London, & Madeira, 3d of July.

Departure.—The Schooner Lovely Sophia, Captain E. Daviot, for Columbo, and Point de Galle.

Vessels Expected to Sail.—The Ships Dona Charmelite, Captain J. Hunter, for South America, and the Ann, Captain R. H. Gibson, for Rangoon, in two or three days.

List of Passengers per Ship Mexborough Captain Thomas Shipton, from London 10th June and Madeira, 3d July.

From London.—Mrs. Cursham, Mrs Palmers, Mrs.

[illegible] Lat. 11-5 N. spoke the Glory of London
[illegible] Lat. 8-12 N. spoke H. M. S. L'Eclair [illegible] for the Brazils.

July 31st in Lat. 5 28 N. spoke the Fortitude of London

September 8th in Lat. 37-2 S. spoke a Brig from South America bound for Mozambique, who informed us that Bahia had surrendered to Lord Cochrane, on the part of the Brazilian Govt.

November 7th in Lat. 1-15-5 N. spoke the French Frigate L'Armide.

November 13th in Lat. 20-40 N. Longitude 89-10 E. Spoke H. C. Ship Ernaad, Sophia and Flora H. C. Pilot Vessels.

November 15th in Lat. 20-55 N. spoke the Glenelg, from Calcutta for Bombay.

STATION OF VESSELS IN THE RIVER.

Kedgeree, Monday Evening, the 17th November, 1823.

DIAMOND HARBOUR.—H. C. S. Thomas Grenville, inward bound,—Madras,—Stentor, and Cadmus, outward bound, remain.

KEDGEREE.—Elizabeth, outward bound remain.

NEW ANCHORAGE.—H. M. S Liffey and Alligator, —H. C. S. Princess Charlotte of Wales, and Minerva, remain.

General Register of Marriages, Births, and Deaths.

Bombay.

DEATHS.

At Poonah, on Tuesday 18th Nov. 1823, after a few days illness, R. Ousely Esq. an Assist. Surgeon on this Establishment In the premature death of this excellent young man, the society have lost a member of high professional talents, and those who had the pleasure of knowing him, a sincere friend.

On last Friday night, the 5th instant, Mrs. D. Mason, aged about 80 years.

On Thursday the 4th Instant Madowjee Wisswanathjee, Prabhoo a Respectable Hindoo, inhabitant Aged 55 years whose irreparable loss will be ever regretted by his family and those who had the pleasure of his acquaintance.

Calcutta.

MARRIAGES.

At Chinsurah, on the 8th Nov. at the Portuguese Church, by the Reverend Fr. Lewis de S. Ritta, Mr. J. D. Bean, of the H. G. Marine, to Miss Macdalina Ellas, the only daughter of Mr. Nasier Ellas.

At Calcutta, on Saturday the 8th November, Mr. John D'Rozario, to Miss Emelia Sequira.

BIRTHS.

At Eutally, on the 15th November, Mrs. G. M. Anderson, of a Daughter.

At Sindoorie, Jessore, on the 12th November, the Lady of M. McKenzie, Esq. of a Daughter.

At Calcutta, on the 13th November, at the Presidency, the Lady of C. Cary, Esq. of the Civil Service, of a Son.

At Alipore, on the 17th November, the Lady of Henry Newmarch, Esq. of a Daughter.

DEATHS.

At Mhow, on the 1st November, Captain, George Cas Ement of the 21st Regiment Native Infantry and Major of Brigade of the Malwa Force, deeply regretted.

At Hansi, on the 2d November, Lieutenant Henry Oliphant, of the 8th Regiment Native Infantry.

At Calcutta, on the 14th November, at the House of her Father, Mr. Thomas Young, Branch Pilot, Mrs. Roza Maria Wood, wife of Mr. Thomas Wood, of the Military Department of Government, aged 17 years, 1 month and 14 days, sincerely regretted by her friends and relatives.

At Calcutta, on Sunday the 16th November, Mr. John Duff, eldest Son of Archibald Duff, Esq. Attorney at Law, aged 21 years.

At Calcutta, on the 17th November, Mr. Alexander, Forbes, aged 50 years.

At Calcutta, on Thursday the 20th November, at the House of J. Turner, Esq Chowringhee, the Infant Son of the late Tredway Clark, Esq. of the Civil Service, aged 6 months and 23 days.

[illegible]day the 28th October, [illegible]ss. borne with the most [illegible] the wife of Mr. Thomas [illegible] Dr. E. Machado, of the [illegible] 20 years 2 months and [illegible]

[illegible] November, Clarisa, the [illegible] Machado, of the City [illegible]ears 5 months & 6 days.

Madras,

MARRIAGES.

At Tranquebar, on the 12th November, at Zion's Church, by the Rev. Dr. Caemmerer, P. K. H. Wodschow, Esq. Royal Civil Service, to Miss Caroline Mathilde, youngest daughter of the late Col. Stricker.

At Jaulnah, by Colonel Deacon, Commanding Light Field Division of the Hydrabad Subsidiary Force, James Butler, Quarter Master Serjeant 1st Regiment Light Cavalry, to Caroline, second daughter of Mr. Conductor Brindley.

BIRTHS.

At Bangalore, on the 16th November, the Lady of Daniel Elliott, Esq. of a Daughter.

At Hyderabad Residency, on Wednesday the 19th Instant, Mrs. Edward Louis, of a Daughter.

At the Presidency, on the 22d Instant, the Lady of Captain Hitchins, of a Son.

At Saint Thomas, Mount, on the 15th Instant, the Lady of Brevet Captain Poulson, of a Son.

At Quilon, on the 11th Instant, the Lady of Claud Currie, Esq. Surgeon, 4th Regt. of a Son.

On the 4th Instant, the wife of Mr. Johnson Rowland, of a Son.

DEATHS.

In Camp at Naickrenairy, top of Pedoonaigdroog Pass, on the 16th October, Jessy, the daughter of Mr. Quarter Master Henderson, of the Horse Artillery, aged 2 years, 2 months, and 3 days.

At Royapettah, on the 22d Instant, Mrs. Anne Hudson, leaving a Husband and Sister to bemoan her irreparable loss.

On the 21st Instant, at Cuddalore, of a lingering illness, Elizabeth, wife of Barrack Serjeant Richard Smith, of Seringapatam.

At the Presidency, on the 22d Instant, Anna, the wife of Mr. George Winter, Tailor.

On the 2[illegible]th ultimo, at Sea, Captain M. Pike of the Ship *Reliance*—this truly worthy man was well known and universally respected and esteemed; a more industrious or more honest man never lived, few having died more regretted—he has left a widow and large family to be wail the loss of the best of Husbands and of Fathers.

Calcutta.

SUPREME COURT, Nov. 17, 1823.

BRYCE *versus* BALLARD AND OTHERS.

Previous to the foregoing case being mentioned, Sir F. Macnaghten informed Mr. Fergusson that the Court were now ready to give judgment in this case and added; We are of opinion that the rule ought to be discharged, and if this be sufficient, we shall not state any thing more on the subject.

Mr. Fergusson.—I should like, my lord, to know the grounds on which the Court have come to this decision.

(The case of the King versus Hudson having been disposed of, *Sir F. Macanghten* proceeded to give judgment to the following effect.)

Sir Francis Macnaghten.—I have taken all the pains that I could take to ascertain the practice in such cases as the present, and I really must avow that I feel pleased that no grounds exist for us to grant an arrest of judgment or a nonsuit. The practice in such cases is against receiving the application at the time when this was made, and in this case I should be very sorry to extend the rule. The rule must fall or stand *in toto*. The verdict was given on each count. so that if one count can be maintained, the whole of them must stand.

Mr. Fergusson.—One bad count will be fatal to all.

Sir F. Macnaghten.—I know it; if there is one bad count in the declaration, then you may be entitled to an arrest of judgment, but in such a case the verdict is on the whole declaration, but in this, if there were four bad counts this rule must be discharged, because it is to set aside the verdict *in toto*. If it is at all satisfactory to the parties to shew them the deligence which I have used in this matter, I will then go on, but coupling the circumstances together, I do not think there is a single count incapable of sustaining the verdict. My own opinion is (and I have heard it discussed repeatedly and heard the opinions of a series of judges on the subject) that there is no intermediate course, but that the strict rules of pleading must be attended to, or a great laxity allowed. As to a nonsuit I have not been able to find that a party has any right to apply for it after the four days. But my opinion is, that circumstanced as the parties are, the plaintiff has a right to the verdict which he obtained, and that this rule ought to be discharged.

Many objections have been made, indeed every one that could be made. Among these the variances in the record have been much dwelt upon. I think that there has been some misapprehension in calling this a record at all, for it is not a record until after judgment has been entered upon it It may be a parchment roll, but after judgment has been entered up, it becomes a remembrancer during the term, and the amendment of it is a common law right, and not at all affected by the statute of Jeofails. Now in this case, except in one instance, there is sufficient to amend by, and I do not know one which is fatal to the record itself. One objection is, that the Plaintiff's name is omitted, but there is a case in which it has been decided, that if the name in a former count is correct, a succeeding one in which it should be incorrect, may be amended as a matter of course.—In the case to which I allude, a man was indicted for forgery; there were three counts for the forgery and three for uttering. The Grand Jury threw out the three counts for the forgery because the Defendant was not properly described, but the twelve judges held that he was sufficiently described.

There were two other points more relied upon, the one relative to the declaratory matter, and the other to the inuendoes. It was said that the character of the Plaintiff pervaded the whole of the counts as a minister of the Church of Scotland in holy orders, and as military chaplain in the service of the East India Company. Now it has been ruled, that when the immaterial part is made to depend upon the material the latter must be proved.

But supposing the averment that Dr. Bryce was a minister to be material, and I hold it not to be so, he having stated that he was a minister of the church of Scotland, I should say that he was in holy orders merely because he was a clergyman, It goes on to state "that he was in the military service of the East India Company."—What then? Dr. Bryce may have prosecuted these defendants for publishing of him any thing for which he might have been tried upon a court martial, but this case does not turn upon that. I take it for granted that it was proved that he was a minister of the church of Scotland, and if so, it is immaterial to the action whether he is in holy orders, in the military service, or whether he is in either of them or not. In a case cited from Cooper,

the King against Horne, I think the law is very clear. Mr. Justice De Grey there held that unless a man is duly elected, he may refuse to perform the duties of an office, therefore it is necessary to prove that he is duly elected. Now I hold that as it is stated that he is a minister at all, it is immaterial whether he is in holy orders or in the military service of the Company, and that this does not alter the nature of the offence, and in my opinion if the pleader had said that he was educated at the High School of Scotland and went to St. Andrew's, whence he obtained his diploma; he might as well have been called upon to prove all this as to prove that he was in holy orders.

With regard to these objections, it is very singular that there is not one count which does not recognize him as a minister of the church of Scotland, but if he failed in proving this, still the plaint is a good plaint, and for this I have an authority in the 1st New Reports, in the case of Harwood against Sir Jacob Astley in error. The objection in this case was, that the defendant had not been sufficiently described as a candidate for a seat in Parliament, and that as the alleged libel was of him in that particular character it must be distinctly proved. So in this case, if the words are actionable in themselves, being spoken and not written, it is immaterial whether Dr. Bryce belong to the church of Scotland or not. I have also an old case out of Skinner, that words spoken are not action able, which if written would be so. Then in the case of Sir John Austin against Culpepper, the Court held that it was not actionable to cal a person "a dishonest man." but to write it or put it against a post was so. In the case of Bell against Stokes, the defendant called the plaintiff "a most infernal villain," and the Chief Baron Macdonald held that this was not a libel. The plaintiff's attorney however, insisted upon it that it was so, and took a distinction between what was oral and what was written. After some time the Chief Baron gave way, and reserved the point, directing the Jury to return a verdict as if they were of opinion that it was a libel, and the Jury gave a verdict with one shilling damages. Afterwards a motion was made in the Common Pleas that the nonsuit should be set aside and the damages of one shilling should be entered, and a rule to this effect was made absolute on the ground that words which if spoken were not actionable, became so when they were written, and in this case I hold that every libel is actionable, of any man of whom it may be written, without any distinction of his profession.

The next objection is that which refers to the inuendoes, and in Roll's abridgement it is held that if the inuendo be repugnant to the averment it is to be rejected. In one case, a man said, "you and your wife are witches, and have bewitched my mare," and the inuendo was "that the mare was the defendant;" this was held to be repugnant, and was rejected accordingly. I think that in ancient times as much liberty has been taken as in modern times, but modern cases also go a great length. In the case of the King against Alit the inuendo goes beyond the declaration, and even in criminal prosecutions we see it got rid of in this way. I suppose; that it is hardly necessary for me to go through the plaint, for there is hardly one count that is insupportable.

Mr. Fergusson.—There is one point on which I relied, that it is no where proved that the publication was of Dr. Bryce, and another that the verses were not said to be of and concerning him.

Sir. F. Macnaghten.—I am much obliged to you for this hint. The verses were conveyed by the letter, and a person may convey the most scandalous libel with the most polite letter, and he may even praise a man in his letter and slander him in the verses which it may contain. The letter was no part of the libel, and only contained what came after it. It is hard such doggrel as these verses should be called an epigram. I will however take the first lines of it;

"A certain minister and I
"Are seen thro'in a trice
"One's marked with dark hypocrisy,
"The other's branded vice."

"A certain minister and I." means Dr. Bryce and one of the Company's penknives, and would ask if this is not libellous, and whether it is not "libellous to hold a man up as marked with deep hypocrisy?" If this is not libel, I do not know what libel is I shall be thankful if Mr. Fergusson will mention any other point on which he wishes me to dilate, but it does appear to me, that Mr. Clarke, who no doubt had considerable practice in pleading at home, made his case out so strongly that he has not left a single count unsupportable.

Sir Anthony Buller. then proceeded to deliver his opinion on the subject. According to the practice of the Court of King's Bench no motion for a new trial or an arrest of judgment can be made except within the fourdays, and so strict is that Court in this particular, that even in a case where the defendant is convicted, an application cannot be made out of the four days for a new trial. When I gave judgment in this case, I meant to reserve to the defendants the right to apply as they pleased, and left it open to the Court, but having done this I am glad to lay hold of the objection which I have named. In Tidd's Practice it is held that the motion must be made within the four days. The only thing now for the consideration of the court is whether there are any objections on the face of the record, now some of these are taken to apply to all the counts. One of these is, that it is not said that the libels were of Dr. Bryce as a clergyman of the church of Scotland; now I will take it for granted that it is so but if it was proved that he was a minister, of the church of Scotland, then the only question is, whether a colloquium is necessary specifying that it was of him in that character. In a case which I cited before, to say of a justice that "he was forsworn and not fit to sit on the bench," needed no colloquium;—and in another case of a "person who said he had gone to justice, and had got nothing but injustice," it was held that he went before him as a justice, and no colloquium was necessary.

I come now to the objections which are made to the several counts, and the most material questions is whether the inuendoes are not too extensive. As far as I can collect an inuendo is an explanation of previous matter. Surplusage does-not vitiate after the verdict is given. The only thing necessary in the averment is a statement of facts, and the Court are the judges of the law applicable to it. Mr. Justice De Grey says that all the circumstances necessary to the crime must be considered, and the rest thrown out as surplusage. Now if we throw out the diffrent meanings given by the inuendoes to the libels in this case, we shall find there is quite sufficient of libellous matter without them All the inuendoes may be thrown out if sufficient appears on the averment, and I think that quite sufficient was shewn to prove the libels were of and concerning the plaintiff.

Another objection that was made, was that it was not proved that he belonged to the Church of Scotland, but this is not a material part of the charge. The libel states upon the face of it that he had a congregation, and it is of no consequence whether this was in a church or in an open place. The gist of the words does not turn upon whether the words in the inuendo are omitted in the averment. I do not think it is worth while to go into all the objections, but I will put the question upon the grounds I have already laid down. Another objection was as to the libellous matter charged in the 5th count "that he ought to have his gown taken off his back, and to be turned out of his situation by the General Assembly."

The question does not turn upon the proof of there being a General Assembly, but it refers to the proper authorities at home. Another objection was that the resolution of the Governor General in council was not introduced into this count, although reference was made to it. It was introduced in the first count, and the 5th count referred directly to the Ist, but even if it did not; there was sufficient to connect them. If enough has been stated to constitute the alleged crime, then all the rest is mere circumstances, and under these circumstances I am of the same opinion as Mr. Justice Macnaghten.

Mr. Clarke.—The rule is then, my Lords, dismissed with costs.

The Court answered in the affirmative.

[*The Bengal Hurkaru Nov.* 18,

TO THE EDITOR OF THE BENGAL HURKARU

SIR,

I request the favour of your inserting in your paper the following Inscription, proposed by a friend of mine (but not, I believe, adopted not, at least, wholly) for the vase or cup, or whatever it may be, to be presented by the Barristers of the Supreme Court to the eminent Advocate who is about to revisit his native country, after an absence of seventeen years. It contains not a word or a phrase which would not have been used in the golden age of the Latin tongue, and the Priscians of Calcutta are hereby invited and challenged to shew the contrary. Should they fail, great will be my friend's glory, and though they should succeed in the contest, he will still have the satisfaction of having broken all their heads.

Your's,
CURTUS NASO.

Culcutta Nov. 15*th*, 1823.

ROBERTO CUTLAR FERGUSON, ARMIGERO.
Fori Supremi Calcuttici
Jurisconsulto,
In patriam annos
Septemdecim relictam
Redituro,
Viro, cum ob jurisperitiam exquisitam
et miram dicendi vim et copiam
Tum ob comitatem, sedulitatem
integritatem, et illam animi fortitudinem
Quæ pro vero, pro justitia,
pro legibus et pro libertate,
Strenue propugnare
Nunquam non audeat,
Eximio ac præclaro,
Hanc pateram,
Munusculum perexiguum!
Summo studio
Deferunt et donant
Sodales ejus,
Præsentem eum valde diligentes,
Absentem sine modo
Desideraturi!
Vivat et floreat donatus, memor donantium,
Non unquam obliviscendus illis!
ANNO SALUTIS 1823.

Calcutta,

CURRENT VALUE OF GOVERNMENT SECURITIES.

Buy.		Rates of Premium	Sell.	
36	8	*Remittable Loan*.....	25	12
12	0	*Five Per Cent. Loan*,.....	11	12

COURSE OF EXCHANGE AT CALCUTTA

Bills on London at 6 Months sight, per Sa. Rs..... 1. 10½ *a* 1. 10½
Bombay 30 Days sight, per 100 Bombay Rs. 92 *
Madras ditto, 94 a 98 Sa Rs per 100 Madras Rupees *

Madras.

NOVEMBER 25, 1823.

Rate of Exchanges and Price of Company's Paper

On England—at 6 months' sight 1s. 8d per Madras Rupee.
at 90 days' sight 1s. 8½. per do.
at 6 months sight 1s. 9d. per do.
On Bengal—at 30 days' sight 95 to 99 Sicca Rupees per 100 Madras Rupees.
Company's Paper—Remittable 36 to 36½ per cent. pm.
Unremitable 12 to 14.

LOCAL NEWS—The weather continues much too fine for the season, should the Monsoon conclude without a further supply of rain—we much fear the effects will be disastrous to the harvest of the present year.

A number of private parties during the past week announce our gay season as having commenced and many more in anticipation give promise of an unusually festive Christmas.

Our readers will learn that a conspiracy and revolutionary movement had occurred at Manilla which terminated fatally to the agitators. A great sensation had been caused at Macao by the arrival of a Frigate from Goa, having a person on board deputed by the Authorities of that place, to assume the duties of Governor of Macao. That Government however refused to acknowledge this pretender, as he was not deputed by the King and Cortes of Portugal. The Goa Commander upon threatening hostile measures, received notice from the Government (assisted by the respectability of the Chinese at Macao), to depart the waters of the Celestial Empire, which she did, but not we are sorry to say without shewing her hostile intention by seizing the BARRETTO Junior, Merchantman, then in the Roads having on board a valuable Cargo.

The Governor seeing no chance of success likely to attend his undertaking, was on application, permitted by the Government to remain a few days in the Offing. We give a Proclamation addressed to the people of Macao, and another published by the Chinese Authorities.

PROCLAMATION.

Inhabitants of Macao! The commander of the frigate SALAMANDER has just proved, that the commission he came invested with from the government of Goa, was solely directed against your most sacred rights, conceded by the general and extraordinary Cortes of the nation, and even against your property. The despotic government, seeing that the energy and vigilance of your government, reposed on your valour and patriotism, had disarranged all its secret and barbarous projects, adopted the infamous resolution of capturing the ship Barretto Junior, with her most valuable cargo, putting on board a military force, and keeping her under the batteries of the frigate. What more could an hostile cruizer do, if she were not of that imaginary class, against those in whose defence that provident Governor has sent the famous Salamander!! The mask has at last fallen off: oh! inhabitants of Macao, employ all your exertions in ridding yourselves of those traitors who attempt to infest your shores. The government seconding your just indignation, have given the necessary orders to keep secure your shipping, and to punish such daring attempts, of which no instances are to be met with in the annals of Portuguese history. Senate of Macao; the 19th of June, 1823.

Barboza, Basto, Remedios, Bello.

I, Carlos Joze Pereira, have written it, and subscribe,

CARLOS JOZE PEREIRA.

Madras Courier Nov. 25.

English News.

PARLIAMENTARY PROCEEDINGS.

HOUSE OF COMMONS,—JUNE 26.

PETITION OF THE IRISH ROMAN CATHOLICS,

ON THE ABUSES IN THE
ADMINISTRATION OF JUSTICE IN IRELAND.

Mr. Brougham—Mr. Speaker, I know not that I ever rose to address this House with stronger feelings of anxiety than I feel actuate me at this moment. The repeated discussions of the state of Ireland—the vast talent that has been displayed in the developement of this great subject—the mighty interests at issue—the multitude of persons who look with solicitude to the result of this application, present themselves to my view; but, above all, when I reflect upon the very strength of the case, coupled with the system of policy which has so long existed in Ireland, I do confess that I feel almost overawed by such grave and interesting considerations. My sense of the importance of my present duty is not diminished when we recollect how frequently the great question respecting the Catholic body and the system of misrule and intolerance so long established in Ireland has been under discussion and has been handled in the many different forms, in which the talent and ingenuity of so many enlightened men have exhibited it. And whereas, after these many and varied discussions, the great desideratum was to shew what the effect of that system had been on the great body of the people—the true solution of the difficulty that stood in the way of the necessary change was to prove how those penal laws had operated, not on any particular description of, persons, but on the great mass of the people. The Petitioners, in whose behalf I appear, had it in their power to have afforded that solution by demonstrating that justice was not impartially or equally administered to the King's subjects in Ireland; deeply feeling and duly knowing as they did, that such was the state of the case, it is with regret I am obliged to express my surprise that they have not set forth a particular detail of the proofs of that mal-administration, so as to have enabled me, their advocate, to confirm their general statement by a detail of facts. I make this complaint not against the Petitioners, but through myself for them, they having sent me as their advocate, as it were, briefless into Court. By such a procedure—by thus confining themselves to a general proposition, they have reduced me to the necessity either of giving up the ground altogether, or that, ignorant as I must needs be of the details, I should still endeavour to supply the deficiency. I take the reason to be, that the Petitioners felt the existence of this partial and unjust administration of the law was so self-evident, that it has been so long and so flagrantly practised; that judging by their own feelings, they expected it would have struck the people of this country and the Members of this House at once. The people of Ireland cannot give us credit for ignorance on the subject—they assume that we (the Members of the House of Commons) must be fully acquainted with that gross perversion of the principles of law and justice which has existed so long, and which at every hour is presented to their view. They calculate, no doubt, that it was as unnecessary for them to enter into a specification of the flagrant abuses existing in the administration of justice in Ireland, as it would be for an Englishman, in characterising the excellence of the judicial administration which, thanks be to God, has ever existed in England, to enter into an explanation of the various details on which that character was founded. Had we to pourtray the excellence of that administration to foreigners, we should scarcely feel it necessary to say, that in England Juries were not packed; that here no Judge violated the dignity and decorum of the Bench by ribald jokes; that no keeper of the Seals having acknowledged that the victim of false accusation was treated with underserved severity, yet should, eight years afterwards, revisit, unheard and unaccused, a second time, the same individual with similar injustice. In England a creditor can obtain justice from his debtor without the necessity of bribing a Sub Sheriff. The King's writ runs through every part of this Island—there is no detached corner—no land of Goshen, where some little tyrant dares to raise his flag in defiance to the orders of his liege Lord. Here, however humble and unprotected a suitor may be, no matter, though he differs in his religion from the religion of the State, he is as certain of protection from the securities of the law, as though he offered his daily devotions in a Cathedral. It is therefore because the reverse of this picture is exhibited daily and hourly in Ireland, that the Petitioners, representing six millions of people, all of whom feel an equal conviction as to the injuries under which they suffer, have confined themselves to the general statement, and felt not the necessity of illustrating,

by details, its truth and accuracy. They knew that the law in Ireland was unequally administered. He that would say otherwise, that in Ireland there was that legal protection which existed in England—would be guilty, not of extravagant flattery; but even the assertion itself would be felt as the most intolerable mockery, nay, indeed, as the grossest expression of wrong that could pass from the mouth of man. (Hear, hear, hear,) Such a state of things arose partly from the laws themselves, and partly from the spirit in which these laws were administered. The laws first created the inequality—the spirit of administration aggravated their perversion. From the evidence of their senses the Irish population knew the fact; they could not believe that it could be doubted, any where, much less in the House which represented the people. The consequence was, that not only the Petitioners, but the great body of the Irish people, have suppressed specific or detailed complaint.—(Hear, hear.) In the intensity of their sufferings, they have lost the articulate language of remonstrance. (Cheers.) Their cries are the exclamations of despair (Hear)—the certain forerunners of open aggression (Hear,) Forerunners, he perhaps ought not to say, for while we are now speaking, the outrages in Ireland are going on. (Hear.) I beg the House to believe, that without the remotest intention of exaggerating the state of things, it is my full and faithful conviction, that never during the last thirty years—of certain melancholy disturbance and distraction—was Ireland in so perilous, so alarming a situation, as she stands in, at this moment. (Hear, hear.) The Petitioners complain first, of the inequality of the law, which they know to be aggravated by the spirit of its administration—a spirit which naturally, but not necessarily, had its origin in that inequality. Were other proofs of such a state of abuse wanting, I should say, that the very representation of so large a body of the people, as is set forth in the Petition on your Table, complaining, as they do, in strongest terms, and demanding redress at your hands, is, of itself, a sufficient inducement for this House to lend a favourable ear to their prayer. But though that representation had not been made—were even the complaints of the sufferers suppresed—the law in Ireland, independently of the aggravated spirit of its administration, must, while it remains on your Statute Book, produce that inequality. It separates the King's subject in Ireland from each other—it makes aliens of those who would otherwise be brothers. (Hear, hear, hear.) The law of England considers all the subjects of the land as brothers, the King being the common father of all. The law of Ireland marshals them in different sects; it partitions them in religious bounds, and naturally stimulates and perpetuates religious animosities. According to the law of England, there is no disqualified class of subjects—no divisions of persons, but the natural born and the alien; and such, indeed, was the liberality of that ancient system, that even in times which, in our self-opinion, we deem barbarous—would to God we had the generosity of feeling to imitate those barbarians—the being an alien was not considered a sufficient reason to withhold from any man the protection of the law. But in Ireland the very opposite principle is carried in effect with the most aggravated spirit—its people are divided into casts, the favoured and the persecuted, and the result must be, that, whether in the eyes of Judges, Juries or Witnessess, the latter are placed without the barriers of the law. (Hear, hear, hear.) I admit, that great and salutary changes with respect to the number and extent of the Penal laws have taken place since the year 1778, but still greater since 1793. I grant that the causes of these unnatural distinctions have been much mitigated since that time; but what I complain of is, that though nothing for supposed security is left, the whole stigma of the Penal Code remains, (Hear, hear) that the office, the gratuitous insolence is continued. Absurd and ridiculous imitations, in the eye of the philosopher absurd, but to the Statesman, who views it in its effect, most melancholy, and still to see men clinging to such a principle. (Hear, hear, hear.) It was truly observed by the Right Honourable the Secretary for Foreign Affairs (Mr. Sec. Canning,) in arguing the impossibility of these remaining restrictions, that you had taken off the chain from the Catholics, but left a link. Happily for the interests of human nature, even chains are inefficacious. Such an end as the Penal Law proposed, could only be effected by that system of extirpation which a ferocious tyrant of this country once proposed to be adopted in Ireland. But even were the link that was still continued only to gall and to crush removed, so long as the mark of the letter was suffered to remain, so long, I contend, will the inequality of the laws exist, so long will justice be partially administered: for so long will the unfavoured class of the Irish population appear in a degraded view in the eyes of all those who are employed in the administration of the law. (Cheers!) While then, therefore, the sore is suffered to rankle, while you adhere to a system powerless as a security, though most prejudical to the public weal, the natural effect of a legislative sanction must be to teach every man, from the highest to the lowest, engaged in the distribution of justice, to pervert its principles, and to aggravate intestine commotion. The Christian, the English, the equitable, the indulgent spirit of law in the country, a spirit for the influence of which we are not indebted to the dark ages, nor to the benevolence of the Holy Alliance backed by its Cossack supporters, and to which we have clung with unremitting tenacity throughout every vicissitude of our history, is, that in the one of the law every man is equal. (Hear, hear?) But what said the law of Ireland for itself? It proclaims itself a respecter of persons, allowing men truly to follow their own religious inclinations, but allowing them to enjoy their spiritual interests at the sacrifice of their highest secular and temporal advantages. (Hear, hear, hear!) It is not my intention to trespass at any length on the attention of the House. I shall endeavour so to circumscribe my statements, as to give rather specimens than minute details of the system in Ireland, but in so doing, I beg the House to consider me as if I were tendering evidence of facts at its Bar. It is my fixed determination most scrupulously to abstain from offering a single word that I am not able to substantiate by legal evidence either of witnesses or records. Leaving, therefore, the general statement set forth in the Petition for a while, I shall proceed to present to the House some specimens of the practice, but as they are specimens merely, and not details, it matters not at what part of the system I begin. I shall first apply myself to the consideration of the first magistracy, that system of local jurisdiction which in this country is at the door of every subject; it is undeniable that abuses have, and, from the infirmity of human nature, ever will exist in such an institution. Various salutary laws have, however, from time to time been introduced, having for their object to protect the magistrate from prosecution where he erred from ignorance and not design, and to secure the people from oppression and malversation. There do, notwithstanding, occasionally occur some examples of improper persons being appointed; but, on the whole, these abuses have been successfully restrained. The system in Ireland is the direct opposite of that existing in England, with respect to the removal of magistrates. Here it is the rule, never departed from, not to oust a man out of the Commission of the Peace, unless the proof of his misconduct has assumed a legal shape and that he has been prosecuted to conviction. I have myself known a magistrate charged with perjury, who was complained of by the majority of his fellows, but whom the Lord Chancellor refused to remove from the Commission because no legal prosecution had taken place. At Durham, some years ago, the Bishop, who is the Custos of the County, was called upon to reinstate a Magistrate, on the ground, that subsequently to his removal, he had been tried and acquitted on the charge. This though the invariable rule in England, I by no means prescribe for Ireland. In that country the discretion of removals is left to the Keeper of the Seals. It was the conviction of three Lord Chancellors of Ireland, the late Mr. Ponsonby and Lord Redesdale being two of them, that the practice ought on no account to be deviated from. The existence of such a practice, the absolute necessity of continuing it, is a strong argument to shew, that in the system of the Irish Magistracy there is an inherent defect. The very admission of such a principle is worth one thousand details. Here I cannot err—I cannot be deceived by my informant—I cannot doubt its existence, and then I ask what its existence proves? It proves that there is a distinction and radical difference between the persons constituting the magistracy of Ireland and England, that those of Ireland are not of that stuff which the happier materials of England supply (Hear.) I wish to give to the House, at no great length, the opinions of men of high consideration, well acquainted with the affairs of Ireland. My Lord Gosford describes the Irish magistracy as suffering the spirit of impartial justice to disappear & that their supineness was the subject of conversation in every part of the country By supineness the Noble Lord, I know meant the disinclination to resist the progress of violence—violence in general committed by the Orange Association. The late Mr. Grattan, a party man no doubt, in the proper and laudable acceptation of that term, but though a man who was sincerely and zealously attached to his political connections, he was amongst his great and resplendent qualities, not less distinguished for the most unexeceptionable and undeviating regard to the truth and accuracy of his facts, (Hear, hear.) He was indeed a man of singular candour—of the greatest moderation as I ever, in my acquaintance with public men, had the honour of knowing. From the moment he first entered this House, to the illustrious close of his life he displayed proofs of extreme for-

bearance, and indeed of gentleness, which attracted its unanimous respect. Yet Mr. Grattan, in characterizing the Magistracy of Ireland, says, What confidence can the Northern weaver find in a Grand Jury, composed of that very Magistracy, under whose bigotry, partiality, and supineness, the very sufferings of which he complains were allowed to take place, and for which he seeks redress in vain. Mr. Ponsonby described the Irish Magistracy to be too often what they ought not to be. There was a case where a waiter who stood behind the backs of the Grand Jury was afterwards promoted to the Magisterial Bench. But Mr. Ponsonby's general opinion did not confine itself to their origin or station so much as to their conduct. Mr. Jus ice Fletcher, in a very elaborate charge to a Grand Jury, upon his circuit in 1814, a charge which, next to the very high merit of not delivering a political opinion at all, possessed the title of delivering sound principles and making a just application—thus describes the existing state of the country: "In the next place," said he, "the country has seen a Magistracy over active in some instances, and quite supine in others. This circumstance has materially affected the administration of the laws in Ireland. In this respect I have found that those Societies called Orange Societies have produced most mischievous effects, and particularly in the North of Ireland. They poison the very fountains of justice; and even some Magistrates, under their influence, have, in too many instances, violated their duties and their aths. I do not hesitate to say that all Associations, of every description, in this country—whether of Orangemen or Ribbonmen, whether distinguished by the colour of orange or of green—all combinations of persons bound to each other (by the obligations of an oath(in a league for a common purpose, endangering the peace of the country, I pronounce them to be contrary to law. Of this I am certain, that so long as those Associations are permitted to act in the lawless manner they do, there will be no tranquillity in this country, and particularly in the North of Ireland. There, those disturbers of the public peace, who assume the name of Orange Yeomen, frequent fairs and markets with arms in their hands, under the pretence of self-defence, and of protecting the public peace, but with the lurking view of inviting attacks from the Ribbonmen, confident that, armed as they are, they must overcome defenceless opponents and put them down. Murders have been recently perpetrated upon such occasions; and though legal prosecutions have ensued, yet such have been the baneful consequence of those factions Associations, that, under their influence, Petty Juries have declined (on some occasions) to do their duty. These facts have fallen under my own view. It was sufficient to say such a man displayed such a colour, to produce an utter belief of his testimony; or, when another has stood with his hand at the ear, the display of his party badge has mitigated the murder into manslaughter.....Again, in another part of his charge, the Learned Judge observes, "With those Orange Associations, connect all commemorations and processions, producing embittering recollections, and inflicting wounds upon the feelings of others. And I do emphatically state it, as my settled opinion, that until these associations are effectually put down, and the arms taken from their hands, in vain will the North of Ireland expect tranquility or peace."....As a summary, he adds, "Perjury has abounded. The sanctity of oaths has ceased to be binding, save where they administer to the passions of parties. (Cries of "Hear;" through the House.) The oaths of the Orange Associations, or of the Ribbonmen have continued to be obligatory"—a respect, which we the Members of the House of Commons, have sanctioned in a very conspicuous manners on a late inquiry. (Hear! and a laugh.)....."As for oaths administered in a Court of Justice, they have been set at nought. Of the Magistracy, I must say, some are over zealous, others too supine; distracted into parties, they are too often governed by their private passions, to the disgrace of public justice, and the frequent disturbance of the country.....Amongst them were to be found the needy adventurer, the member for preferment, the intemperate zealot, the trader in false loyalty (hear, hear), the jobbers absentees!" The same learned person made the same circuit eight years afterwards, but I do not find that he discovered any correction of the evils which he denounced with so much ability. He then accused the Magistracy of remaining quiescent, that was, of not exerting themselves to repress those sanguinary violations of the peace. We have had, it is true, a late revision of the Magistracy of Ireland in twelve countries. Had that plan been executed with the same honest and zealous intentions with which it was proposed, a very considerable benefit would have resulted. But the manner of the execution proved that little good was to be expected from the arrangement. I have been informed, from good authority, and of the truth of the information I am prepared to tender proof at your bar, that of the one hundred and sixty-two Magistrates, removed by the revision, the great radical change that was to be effected, consists of the displacing some who had, as absentees, removed themselves; others, who were officers of the army, English officers of militia; others who were incapacitated by age, and not a few who were previously displaced by death. (A laugh.) To what number of the really acting body did the revision apply? To the very large number of fourteen. (Hear.) Amongst the Magistrates of the County of Monaghan, I understand, Sir Harcourt Lees was found: and there. notwithstanding the boasted revision, I also understand he remains. In the County and the City of Dublin, the notorious Major Sirr, was in the Commission. He was at the head of the Dublin Police. Such an appointment I pronounce to be an outrage of all justice. (Hear, hear.) It was the most offensive, the most insulting contempt of the public opinion of the people of Ireland to have the name of Sirr in the Commission at all, but, if he were to be placed any where in such authority, Dublin, that had been the bloody theatre of his nameless tyrannies during the last rebellion, ought to have been spared from the visitation of his presence. He came within the rule of my Lord Eldon—which in England, if he could by any chance rise here to such a distinction, would have at once removed him. Hear, hear.) Yet that man is to be found daily and nightly at the head of the Police of Dublin, though convicted by a Jury of that very City, of oppression, extortion, and injustice (hear, hear) against his fellow-subjects. With the assistance of his associate in oppression, his fellow-labourer in those acts, which unhappily the crisis in Ireland afforded too frequent an opportunity for practising with impunity, by the fabrication of a false return, the injustice was effected. There could be no denial; the very associate of him was in Court by accident, when Mr. Curran, the eloquent defender of the oppressed, dared either the Counsel of Sirr to examine him, or Sandys himself for his own character. to enter the witness' box, but both refused to call. Need he say that a Jury returned a verdict against the defendant for such oppression? And yet a year after, such services as he could perform to the Government were not wanting, that Major Sirr, the convicted oppressor, is placed at the head of the Magistracy of the City of Dublin. (Hear.) See the consequences of all those evils in the condition of the population of Ireland. The Magisterial commitments for the last four years in Ireland, average the commitments of the same period for all England and Wales.—Having stated that those authorities are founded upon fact and the opinions of great men, I shall close this part of my argument by a reference to a memorable saying of Lord Redesdale in the House of Peers—that Learned Noblemen has been intimately connected with that ill-fated country for many years. He had a long personal experience of its circumstances and condition. He was not one who could be designated as a patron of rash complaints—as a party opposer of existing institutions. Nor he was rather one who would shut his eyes to the iniquities of a bad system, if he thought it was compatible with security; he would rather be silent as to the evils of a vicious policy, if they were not so enormously mischievous as to give no chance of safety or of rest.—(Hear, hear.) Such is the authority who stated in the other House, last year, that "there exists in Ireland two sorts of justice, one for the rich and the other for the poor, and both are equally ill-administered" (Loud cries of hear hear.) Nor, Sir, let it be supposed that Lord Redesdale was infected with the spirit of complaint, so prevalent in Ireland—let it not be supposed, that having resided there for some time, that the Learned Lord had become tainted with the disposition to remonstrate, which has been long epidemic with the Irish people; and is merely so now, only it is at present a little louder. (Hear, hear.) I consider that opinion of Lord Redesdale, put forth, as it was, by one who had been Lord Chancellor of Ireland, in an English House of Legislature, to be of itself a sufficient ground for inquiry. (Hear, hear.) There can be no better ground; but I will shew the House, in illustration of this opinion, what will prove, that if the Noble Lord had not said what he did, he ought to have said it. I need not inform the House, that the Sheriff has no trifling office to discharge, in the administration of justice. He has the selection of Juries—a power very liable to abuse, unless in counties which choose their own Sheriffs; but when the Juries are appointed by the corporations in Ireland, which are full of hostility towards the Roman Catholics, their officer is imbued with the same feelings. The Sheriff, who chooses the Jury, is the creature of these privileged bodies; and he is appointed, subject to all their prejudices. I think it right to refer to a circumstance relative to the exercise of the office of Sheriff in Ireland, which transpired in the late inquiry, but which has nothing to do with the conduct of the present Sheriff. A gentleman, of the name of Dillon Mac-

namara, an Attorney, was asked this question by the adverse party—'Did you not offer a sum of money to an Under-Sheriff for the purpose of prevailing on him to select a Jury; to get off a client of your's?" The answer, was, "I did." He was asked "did you obtain a packed Jury?" He answered, no; for the pannel was gone up to the Castle. He was asked, did not the Sub-Sheriff indignantly reject the proposal, as would have been the case in England? The answer was a remarkable one: for he stated, that the Sub-Sheriff said, it was not in his power, if he wished to Select the Jury, for the pannel was gone up to the Castle. (Hear, hear.) He was asked, "did not the Sub-Sheriff reject the bribe?" He said, "he did not get the bribe;" and the answer was, "he did not do what I wished." (Hear.) This is not the sort of dialogue which could have taken place between any persons whatever and a Sub-Sheriff in England. I would not say, that any officer, who would take a bribe to select a Jury for the purpose of acquitting a person who was guilty of forgery, would as readily take a bribe to ensure the conviction of a person accused of treason; but I do think, and it is not uncharitable to suppose it, that the man who offered a bribe with the view of having a felon acquitted would go as far for the conviction of a political opponent. (Hear, hear.) The Sub-Sheriff, in the instance I have mentioned, did not indeed receive the bribe; I have no right to suppose he did; but you have had a respectable Solicitor at your Bar who was asked a question, from the answer to which I can infer with certainty and confidence that the idea of packing a Jury, and of an officer being bribed, does not act with the same force and produce the same horror in any practitioner of the law in Ireland as it would in this country, or if there should be an attorney base and mean enough to make such a proposal—and on this part of the argument I stand as on a rock—no such Attorney would dare to talk of the subject, because if he had not the feeling of abhorrence in himself of such conduct, he would be well aware that there was that feeling throughout the country which would produce general and unmingled detestation (Cheer). I will now put it to the House to consider the consequences of another circumstance attending the administration of justice in Ireland. There the Sub-Sheriff who summons the Jury has the privilege of receiving a guinea from any person who is liable to attend, for omitting him in the summons; so, if a man can give a guinea, he is not required to undertake the task of serving on a Jury, but if he cannot give it he must serve. The sum is less in country places than in Dublin, as I understand the price of the country exemption is but half a guinea (hear and laugh.) Thus the persons best qualified may be exempted from serving on special Juries, and I need not expatiate to the House on the probable results. I have said that the King's writ does not run equally throughout Ireland, and of this I am ready to offer evidence to the House. I can prove, as the practice, that when a man, who has reason to think his shall be arrested for debt, possesses money, and can bribe the Sheriff, he makes a bargain with him that he shall pay him all his fees, provided the Sheriff gives him timely notice of the writ. I presume this is the purchase of a courteous notice that he may surrender himself. (A laugh.) It might, however, enable rich debtors to elude justice; but the poor man has no means of entitling him to this courtesy, and perfect justice is visited oeb him. (Hear.) This had been proved within these three days in a Committee above stairs. I will read some of the evidence to the House, in order to shew how civil justice is administered in Ireland. A witness was asked, "Do you regard the difficulty of recovering money after judgment an obtacle to the investment of English capital in Ireland?" Answer. "I do." I mention this (observed Mr. B.) to show that the office of Sheriff is grossly abused in Ireland, in a manner that we have no idea of in England. The witness stated that the practice alluded to was confined to persons who ranked as gentlemen; for it was the constant habit of the Sub-Sheriff to get security for his fees on the writ delivered, if he gives sufficient notice to the party. The witness, on being asked whether that practice generally prevailed throughout Ireland, said, "It prevails every where except in Dublin and the county of Cork, where special writs are issued, but I believe that in some parts of the county of Cork an arrangement of that kind might be effected." He was asked whether there was any other, and what system with respect to the lower classes? His answer was, "I consider the Sub-Sheriff is not paid for any favour to them, and does not shew them any."—(Hear, and a laugh.) This may be sport to us (continued the Honourable Member,) but it is death to them. (Hear, hear.) A debtor may have 20,000*l.* in the funds and there may be no possibility of arresting him as long as he is able to purchase a timely notice from the Sheriff. The witness had also averred that there was one sort of law for the higher classes, and another for the lower, and that specialities were granted against some and refused as to others. This, I suppose, is what Lord Redesdale had in his eyes when he used the memorable words to which I have called your attention, namely, that "there is one law for the rich and another for the poor, and both equally ill-administered." I hope the same imputation does not reach the higher departments of the law in Ireland, but while the penal restrictions continued—while the Judge must be a Protestant—while all honours at the Bar are confined to a favoured class, and with-held from others, whatever may be their merits, there must be a prejudice at the seat of justice against those who are stigmatised by disabilities. (Hear, hear.) You know the Sheriff has the selecting of the Jury, and when you have seen how the Sub-Sheriff may be bribed, and when you have it in evidence that bribes are daily taken in the case of debtors, I venture to say, you will allow, that a high Protestant Under Sheriff would be found to warp justice as much in regard to the opinions of the body by whom he was chosen, as on account of the more vulgar circumstance of money received. (Hear, hear, hear.) As to the Learned Bench in Ireland, I have nothing to say to that—its habits may not be the same as our own, but the habits of different lands may be different, that which may be considered as not at all improper in one country, may be regarded in another as highly indecent I cannot, however, pass over the conduct of one of the Irish Judges on a late occasion, which, to say the least of it, was highly indecorous. If a Judge ought to preserve dignity—if he were bound to preserve impartiality, and to maintain a high sense of duty, surely any mixture of political feeling, any effort as a partisan of dissention, any interference in the details of party, in circuits and towns, as a tool of faction, is a stain and reproach on the administration of justice, which ought to be removed. (Hear, hear, hear.) When a Judge is forgetful of his high and solemn station—when he abandons impartiality, and surrenders himself to his passion or his follies, he forfeits that respect by his own conduct, which we are inclined to pay his situation; he makes it impossible for us to do him the honour we would wish, and the sooner he discontinues to hold the balance, the better, while he so injuriously wields the sword of justice. The Judge to whose conduct I mean to allude is Lord Norbury—for I wish to speak of Judges with the same sincerity that I would of Sheriffs or Attornies—no just Judge, I am sure, will object to this principle, and I belive no Judge will long remain just, as long as the licence of conduct to which I mean to advert in the present instance shall be tolerated. Our Judges are just because they cannot perpetuate injustice, but they, as men, would do so if we did not vindicate justice from innovation. It is near a year since I referred to a certain letter, which was written by the late Attorney General (Saurin) to Chief Justice Norbury of the Commons Pleas, which no English Judge would have allowed to be addressed to him by any person whatever. and if he had received such a letter from his most intimate friend I will venture to say he should cease to call him his friend any longer.—(Hear, hear,) And if it came from a high quarter, I will be bold to affirm, that the higher the quarter the more instant would be the flash of his indignation. (Hear, hear.) A year has now elapsed since I adverted to that letter in the House, and it has not been denied by Mr. Saurin, nor, as far as I know, has it been answered by Lord Norbury. In England you must be convinced that such an insult could not be given to a person in such a station and not receive its merited rebuke. In the letter to which I adverted, Lord Norbury was called upon to job on circuit for political purposes. Bearing as he did the sword of justice, and the ermine of her authority, he was called on by an officer of the Crown to prostitute both for the views of a political faction. (Hear.) He was called upon to receive the country Gentlemen in his chamber on the Circuit, and to converse with them on political subjects, and he was reminded that it would do great good to the cause. It appeared by the letter that he was in the habit of talking individually to them in his chamber at Philipstown, and he was requested to impress upon them, as the consequence of granting the Catholic Claims, that the Catholics would elect Catholic Members. This, I believe, the House will allow, is not at all probable, for although Roman Catholics might be made eligible to serve in Parliament, property and moral power would still have some weight, and therefore Catholic Members could not be universally elected. It was in the next place asserted in the letter that the Catholic Member would have the nomination of Sheriffs, and perhaps also of the Judges. Here, then, a Judge is called upon to take advantage of the Circuit for political purposes, and at the same time it is suggested to him to allude to the corruption of the Legislative Body by an implication, that when a man is

elected a Member of Parliament he went to the Treasury and insisted that such or such a man should be made a Judge.—(Hear, hear.) This, no doubt, was to the great glory of the administration of justice, but perhaps it was as much to the triumph of those who deride her institutions. (Hear, hear,) But Lord Norbury was called upon to point out the consequences of the measure, and to state that the Protestants would be put in the back ground, as the Catholics were formerly; and he was to impress upon them, that they could hardly submit to reside in the country if it passed. Thus was the Chief Justice of the Common Pleas commissioned to go and preach upon the circuit against the Roman Catholics (A laugh), and to decry the course of Justice of which he ought to be the ornament. (Hear, hear,) When Judges are governed by political motives, it is impossible but they must become unjust Judges, and no greater evil, no more grievous reproach, can befal a country, I shall now call the attention of the House to a paragraph which lately appeared in a Dublin Paper, under the head of Lord Norbury's newest joke (A laugh). But in coming at the joke the character of the Judge severely suffered—so much do some desire jest more than justice (A laugh); and a rule for an attachment had been refused, which ought to have been granted as a matter of a barrister, against an officer on halfpay, for having told him on leaving the Court, that what he stated was false. What was the language of the Learned Judge, who, you will bear in mind, was the *Custos Pacis?* He says, I remember, when if the words were addressed to me, I should not have been at a loss in supplying an inuendo,—(A laugh,)—Yes, this Judge, whose sworn duty it was to protect the public peace, and to enforce the laws in its defence, expressed himself in a manner, which was the same as saying to the applicant, "You paltry fellow, you have been insulted, and why don't you go out and fight." (Loud laughter.) The Learned Judge goes on to say—the phrase has certainly somewhat a gladiatorial sound. (A laugh. No man respects or loves the bar more than I do; but great allowance is to be made for the chivalrous propensities of men, who wear the sword. They do not, as *Hamlet* says in the play, "set their lives at a pin's fee." On the other hand the Gentlemen of the Bar have a repugnance to the arrest of "that fell Serjeant, Death." (A laugh.) From which profession the immortal Bard drew his illustration I shall leave to the Commentators. *Cedant arma togæ* is good Latin and good law: I believe (observed Mr. B.), that very competent authorities have asserted this passage not to be good Latin. I remember that Juvenal remarks upon the words in such a manner, as proves the Latin to be as bad as the Learned Judge's law, and he says, that if Cicero had always spoken in that style, he would not have met with the fate he did. *Antonii gladios potuit contemnere, si sic omnia dixisset* (here an Hon.. Member observed that it was not to those words, but to a bad poetic line of Cicero that the remark of Juvenal applied.) I know (continued Mr. Brougham), that the line alluded to is thus animadverted upon, but I believe the words to which I alluded are included shortly after under the same censure. However that may be, the Judge adds "I am a friend to conciliation, and shall give a triumph to neither party" (Continued laughter.) Whatever may have been the object, it was certain my poor brother was refused the rule to which he was, as a matter of course, entitled The laughter by which those remarks of his Lordships were followed, appeared to be the object for which law and dignity and decorum were sacrificed, and after all this, that Judge added "I mean no allusion" (A laugh.) Now I greatly venerate the Bench. I have a most sincere respect for the body who compose it; I believe there is no person who, either in the discharge of his duty in the court or in Parliament, shews a greater dislike to countenance any reflection on the character of a Judge than I do, and I can appeal on that subject to the venerable Judges themselves; but I revere the Bench only as long as they respect themselves, and if I see in that elevated station, the principles of law compromised for a laugh, Justice set a side for low ribaldry, and duty sacrificed for the pitiful ambition of a poor joke; and if I also see manifest proof of a Judge being tampered with by a Crown lawyer, my reverence for the character is gone; not only do I cease to have one particle of veneration for such a person, but I cannot view his conduct without being exhausted even of common patience. (Hear, hear). I know of no difference of opinion on this subject; I have spoken to men of all political principles—and whether in or out of the profession, I have found but one sentiment of disgust at the attempted intrigue of Mr, Saurin, to which Lord Norbury has not given that reception which a Judge ought to give. (Hear, hear.) I might go no now to show the imperfections of the Administration in Ireland in several other respects, if I thought the necessity for inquiry not sufficiently made out. I might refer to the process by Civil Bill—to the system of Assistant Barristers to the local Revenue Board. As to the mode of suit by Civil Bill, I need only refer to the records of that House, since Act after Act had been passed acknowledging the evils of process, and the inadequacy of suceessive plans of amendment. As to the Revenue Board, the mischief of that was apparent where those who where parties at one moment can ascend the Bench and decide on forfeitures, and put at hazard both liberty and property, as Collectors and Sub-Commissioners did in case of illicit distillation, I believe that although I have not exhausted the subject, I have exhausted your patience. (Hear, hear) But this I would impress, above all things on the minds of Ministers, that althought the day of reckoning has been too long delayed, an account must be rendered of your stewardship over Ireland. (Hear, hear.) That country, which was calculated to add to your prosperity in peace, and to form your chief strength in war, you have made in war the strength and reliance of your enemies, and in peace either the scene of actual sedition and rebellion, or of a discord almost amounting to revolt—)Hear' hear, hear)—and why has this happened? because you have resolved not to grant any boon to that country which shall not be extorted from you by difficulties—(Hear hear, hear)—and therefore the people are driven to despair. Hence has Ireland been reduced to the deplorable condition which she now presents—Ireland, that possesses an immense extent of soil of unrivalled fertility—climate more genial than our own, a people active, skilful, hardworking, with a strength and endurance greater than almost any other people of Europe, and enriched, as she was, with the bounties which a kind Providence had poured down upon her in profusion.—(Hear, hear,) For six centuries she has been under your dominion; for about 150 years she has attracted some of your attention, but she had never been an object of your solicitude at all, unless when in a period of war you have been afraid that she would join your enemies, or in an interval of peace seen her in despair raise the standard of rebellion. The prosperity of Ireland is a thing you have never thought of. All your anxiety with regard to her has gone no farther than to make her a safe possession (Loud cheers.) Yes, You must one day render an account of your administration of the affairs of that devoted country, and a black account it will be, for on you is the awful responsibility that her active and swarming population should be a curse rather than a blessing to your empire, and that her productive soil, her genial climate, the beneficence of nature, should be all in vain, and her people starving in a land of plenty (Hear, hear! At this moment that country complains of the worst grievances; she accuses you, with reason, of injustice, and shall she still vainly demand relief, against degrading partiality, and intolerable oppression?—(Hear, hear, hear). In England justice is not to be sold, though it may be delayed. It is not to be sold to the rich or withheld from the poor; but in Ireland it was to the rich sold, to the poor refused, and to all classes delayed. Lord Redesdale has stated that he found that to be the state of Ireland, and left it so; you found it the same, and will leave it so, it unless you throw over her the protection of equal justice. It is vain to attempt to disguise this from ourselves, that we are on the brink of a precipice—(Hear, hear) I pray God an interval of tranquillity may be granted before the crisis arrives, and that you may have wisdom enough to turn it to advantage, and no longer treat that country with the infatuated neglect, or vicious severity, which has produced such dreadful consequences. (Cheers.) I may, perhaps take too gloomy a view of this subject, but I feel I am borne out in my opinion, by the facts which I have advanced, and by the strong language of the Petition and Remonstrance. If I do err, I err with the opinion of the most experienced— with repeated Acts of the Legislature—with the sentiments of the most enlightened men of former times—I err with the common sense of the world—I err with the laws of nature—with the invariable decrees of Providence which has willed that persevering oppression should terminate in its own punishment. (Hear, hear.) it is the maddest of all policy to drive six millions of people to despair. A higher authority than any present has said, that injustice may drive a wise man mad; but you drive 6,000,000 of men mad by oppression, and than punish them for complaining. This case is not to be met any longer by the flimsy pretexts which have been so often employed; you can no longer meet this question by talking of the ambiton of Buonaparte—of the principles of Jacobinism—of the evil of breaking down a strong administration—or of the conscience of a British King, (Hear, hear. Bounaparte no longer gives you alarm by his existence. His life has been closed in solitary confinement and with unnecessary torture. (Hear, hear) The Monarch of whose conscience so much was said when the cause of humanity was to be opposed, is gone to his great account: we can no longer hear of scruples in the Royal heart (Hear, hear); and as to the plea of breaking down a strong administration, that is perfectly ridiculous. (Hear, hear.) If you mock us with pretexts, afford at least a consistent line of argument; prove some propriety in

y[illegible] be[illegible] of Protestants against a[illegible]
g[illegible] or safety t[illegible] nd. If a Petition were to state
the[illegible] ned cheers.) [illegible] olics of a certain p[illegible] of Ireland,
is a speci[illegible] nstance, exercised an undue influen-
be long perse[illegible] formation of juries, and on that alle-
hear, hear.) Every mode of violence and coer- [illegible]harged the whole Catholic community
cion has been already tried. The ca amities [illegible]justice and corruption, would not the
which you have heaped upon Ireland far exceed Honourable and Learned Gentleman call on the
the number, great as they are which Providence House to interfere and resist such an attack?
in its bounty had showered upon her; what has Would he not more especially do so, if he found
been the result? The mischief has been compres- that the Petition proceeded not from higher and
sed, not removed, and the hour of desperate re- more respectable classes of the Protestants, from
tribution has only been postponed. The malady persons whose stations and characters entitled
has not been cured, but has been driven upon their opinions to weight with the Legislature, but
the system for a more maligmant and fatal ope- from some association founded on narrow and
ration. It is not by additional wrong that you are exclusive principles, from some Orange-lodge,
to counteract the effects of the previous injus- for instance? He (Mr. Goulburn) could see none.
tice.—Your penal enactments can no longer fet- He could see none in the character of the two
ter Ireland without a danger as alarming as the classes of petitioners he could see none in their
injury you inflict. The more you load her with objects. The Hon. and Learned Gentleman had,
chains, the more you will endanger yourself. with an ingeniuty peculiar to himself, endea-
She will eventually burst them asunder; she will voured to supply a reason why facts were omit-
arm herself with the fragments, and convert what ted in the Petition. The Hon. and Learned Gen-
you intended for your sa ety into the means of your tleman allowed that the omission might appear
destruction. Suppose, Sir you try a change of extraordinary to that House. But the reason was
system. Suppose you hold out to that unhappy that as Englishmen, they were ignorant of what
country the hand of kindness. Suppose you prefer was going on in Ireland. They did not know
winning the hearts of the Irish people generally, the extent of the existing abuses in that coun-
to receiving the applauses of Orange Lodges. try; abuses so evident to the individuals who
(Hear, hear, hear). A richer harvest of gratitude signed the Petition, that they could not suppose
and respect was never reaped by a man than the people of England ignorant of them, and there-
that which such conduct would secure from the fore astained from any particular or detailed sta-
generous warm-hearted Irish people. It would ments But what public institution, what private
be rewarded by their gratitude; aye, to enthu character would be safe, if such a principle as that
siasm; it would be rewarded by their respect; were admitted! It was indeed a most fallacious
aye, to devotion. (Hear, hear.)—You saw, principle, but its fallacy was not equal to its injus-
Sir, what took place when the Monarch visited tice. He readily admitted that the purity of the ad-
Ireland. You saw the reception which the So- ministration of justice was a subject of the utmost
vereign experienced from his Irish Subjects, importance. It was a subject to which the atten-
when he approached them with only the pomp tion of the Legislature could not be too strongly
of promise. What would not the Legislature expe ience from the gratitude of the Irish nation, directed, and it was a subject on which he had
when elicited, not by promises merely, but by repeatedly observed, that both Houses of Par-
acts of favour absolutely received? (Hear, hear, liament were very properly anxious. It was im-
hear!) But, Sir, this is a propect on which I possible to value the purity of the administration
must not rest. I dare not indulge in the contem- of justice too highly. But he put it to the Ho-
plation of it. It is too painfully tantalizing to norable and Learned Gentleman whether ano-
gaze on a benefit which I know I never can see ther duty was not imposed on Parliament, not
but in the distance (Hear, hear, hear!). I will less imperative than that of preserving the purity
return therefore, to that which is my immediate of the administration of justice. If they were
object. I return to claim that justice for the bound on the one hand to guard the purity of the
Irish people which has hitherto been denied them, administration of justice, they were bound on the
and which there is too much reason to fear they other hand to guard against exposing the admi-
will never receive. Sir, when the Petitioners of- nistration of justice to unmerited suspicion. (Hear,
fer to prove their allegations, on what ground can hear, hear.) They were bound not to hold up
inquiry be fairly resisted? When they are chal- the tribunals of justice to universal obloquy. But
lenged to establish their declarations, when their could there be a more ready mode of doing so,
wrongs are denied, and they are called upon to than to be induced by the eloquence of the Ho-
shew their existence, on what ground can inquiry norable and Learned Gentleman, exhibited in
be fairly resisted? To do wrong to subjects is broad assertions, unsupported by any statement
common. To deny them a redress for wrong is of facts, to take a step, which would imply that
not uncommon. But when they re-assert their the whole administration of justice in Ireland, from
injuries, after having been challenged to show top to bottom, was defective! The very Peti-
those injuries are real, then to refuse all investiga- tioners themselves used, with reference to another
tion, is to perpetuate the most inhuman mockery subject, an expression, which he would use with
and injustice (Hear, hear.) But, Sir, whatever respect to this, namely, that suspicion frequently
it may please this House to do, I have discharged worked all the ills that natural impurity could
my duty, and relieved my conscience, (Hear, effect. The Hon. and Learned Gentleman said,
hear.) If this inquiry be withheld—if you once forsooth, that all the Petitioners required was,
more determine to persevere in the course which inquiry. He (Mr. Goulburn) asked, where was
has hitherto proved so fatal, if when the last the difference, in a Parliamentary point of view,
means of escape from the dreadful evils by which between a readiness to inquire, and a readiness
you are menaced are so often offered to you, you to condemn? Would any one, who knew any
reject them, I shall deeply deplore, not that I thing of Parliamentary proceedings, say, that to
have urged you to do justice to Ireland—but that refer such a Petition, not to an ordinary Com-
you have refused to do that, without which, I do mittee, but to a Committee which had not been
resorted to for a hundred years, could fail to pro-

which I yesterday pres[illegible]
Grand Committee on Courts of Jus[illegible]

Mr. GOULBURN observed, that the sp[illegible]
of the Hon. and Learned Gentleman embraced such a variety of topics that he felt it impossible to answer the whole of them in detail. He trusted, however, the House would not be led away by the Honourable and Learned Gentleman's eloquence, to forget the simple question before them, and to which he wished to recal their attention. He was conscious that he laboured under great difficulties in replying to the Honourable and Learned Gentleman. In the first place he had not the same claim to the attention of the House Again, the question was brought forward at a period of the Session when those individuals in Parliament who were best competent to comment on the facts alleged by the Honourable and Learned Gentleman, and to state what they knew of the administration of justice in Ireland, were absent. Under these circumstances he must trust to the candid indulgence of the House while he endeavoured to reply to the Honourable and Learned Gentleman's statements. In the commencement of his speech, the Honourable and Learned Gentleman appeared to feel, what' indeed, must have struck every one, that the House were called upon to enter into an examination into the administration of justice in Ireland on a Petition which did not state a single fact, but which merely contained a general, and almost an inflammatory statement as to the whole of that administration. The Honourable and Learned Gentleman talked of the Petition on the table, as if it were the Petition of the People of Ireland From that he completely dissented. He would not admit that the petition spoke the opinion of the people of Ireland. He would not be a party to so libellous a charge upon the people of Ireland. He was convinced that the sentiments which it expressed were abhorent not only from the people of Ireland, but from the majority of the class of individuals from whom to professed to proceed. Towards the conclusion of the Honourable and Learned Gentleman's speech, he urged it on the House as a duty not to neglect what he termed the prayers of the people of Ireland. The people of Ireland! Why the Petition only professed to be the Petition of certain Roman Catholics in Ireland. When he looked at the signatures. he could not see the names of a great number of of persons professing the Catholic, faith, respectable, loyal, and gifted individuals, whose local experience qualified them for being at least as good judges of the subject as those persons were from whom the Petition actually proceeded. He could not, therefore, allow that it was a Petition even from the Catholic body, or expressive of their sentiments and wishes. He could view it only as the Petition of the persons by whom it had been signed. It was the Petition of a number of individuals against the established institutions of their country, unaccompanied by any statement of facts (which would have rendered the Petition of the humblest member of the community deserving of attention), but founded on the general impression which they entertained that the administration of justice was unequal and corrupt. It was in fact, a Petition against all the Protestants of Ireland. Now if the Honorable and Learned Gentleman were in his place, he would ask him what would be his feelings if a Petition of a similar kind were pre-

an impression that the
existence of the alleged evil?
immediately cast a great suspicion
of justice on Ireland? The Petit.
nourable and Learned Gentleman's
tained two charges; the one that the
unequal and partial as applicable to the C
of Ireland; the other, that it was corruptly administered. But was the state of the law peculiarly applicable to the Catholics of Ireland? So far from it, that as the law then stood, it was more severe towards the Catholics of England than the Catholics of Ireland. Of that fact, a better proof could not be offered than the Bill which a Noble Lord, not then in his place, had introduced, to confer on the English Catholics the same privileges as were enjoyed by the Catholics of Ireland. Why therefore, was any distinction made? Why was not the law as applicable to the Catholics, both of England and of Ireland, to be referred to the consideration of the Committee? With the inequality and partiality of the law, however, the Government of Ireland had nothing to do. If in the opinion of Parliament the law ought to be altered, that was another question. The subject had undergone long and repeated the deliberations, and Parliament had over and over again decided that they would not render the laws equal. It was a question, however, which rested not with the Government, but with the Legislature. He felt it incumbent upon him in this part of the discussion, and was as much influenced by his inclination as by his duty, to enter somewhat largely into the mode in which justice was administered in Ireland. It was true that as the Petitioners brought only a general charge, it might be enough for him to meet it with a general denial. The Hon and Learned Gentleman had, however, endeavoured to supply the omission with some facts on which he (Mr. Goulburn) would beg leave to make a few observations. The Honorable and Learned Gentleman, after having asserted that all the Magistrates of Ireland were more or less corrupt, had proceeded to argue as if Ireland were England, and as if the relative situation of the countries with respect to the appointment and the character of the Magistracy were the same. Now every body knew that the rule adopted by the Lord Chancellor of England, in the appointment of the Magistrates of England, was very different from the rule adopted by the Lord Chancellor of Ireland in the appointment of the Magistrates of Ireland. The Lord Chancellor of England declined to interfere in the removal of any Magistrates, unless the case of that Magistrate had been heard before a legal tribunal, and a Jury had determined against him. But that was not the practice in Ireland. All who heard him must recollect how frequently individuals were removed from the situation of Magistrates in Ireland, not because any corrupt or improper motive was attributed to them in the discharge of their duty, but because they were persons whose rank and situation of life did not entitle them to hold the office. The Honourable and Learned Gentleman inferred that the whole Magistracy of Ireland were necessarily corrupt. That he (Mr. G.) positively denied. He admitted, and the Hon. and Learned Gentleman himself admitted, the impracticability of putting the Magistrates of Ireland on a footing with the Magistrates of England (would to God that could be done!) but he (Mr. Goulburn) was satisfied that as able, honest, and zealous individuals were appointed as the materials of

the Lord
political motive
ment of the Magistra
formed, and did that Noble and
Lord great injustice. The removal of any Magistrate from the Commission was an invidious duty, and the persons so removed naturally ascribed their removal to improper motives. Of course appeals without end had been made to the Irish Government on this subject. He (Mr. G.) must, however, honestly and sincerely say, that having been admitted by the Noble Lord to several cases of imputed inadequacy of persons holding the office of Magistrates, he had never known any one dismissed from the Commission whose character, conduct, and station, entitled him to remain in it. If the Honourable and Learned Gentleman himself could look into the details of this subject, he would be perfectly satisfied that the Lord Chancellor of Ireland was not actuated by any corrupt motives.

Mr. BROUGHAM denied having imputed corrupt motives to the Noble and Learned Lord.

Mr. GOULBURN observed, that attributing the removal of individuals from the Commission to their differing in political opinion from the Noble and Learned Lord, and to their being Sectaries, was supposing the existence of an improper motive. By no such motive was the Lord Chancellor of Ireland actuated. He took the recommendation of Gentlemen of all political parties, and indifferently, whether Catholics or Protestants. He then inquired into the facts of the case, and acted accordingly. But the Honourable and Learned Gentlemen was evidently little informed of the circumstances of the case He had said that in twelve counties the Commission had been reformed. The fact was that there was not a single county in Ireland in which reformation had not taken place, more or less complete, as circumstances would permit.—If the Honourable and Learned Gentleman had consulted his Hon. Friend the Member for Limerick, he would have found, that, even in Limerick, the change in the Magistracy had been confined to those individuals, whose character and station did not entitle them to hold the situation; and that cases of delicacy and difficulty had occurred, which showed that it was in no way influenced by political or religious considerations. Then came the Honourable and Learned Gentleman's grave charge against the Lord Chancellor of Ireland, that Sir Harcourt Lees was in the Commission of the Peace in that country. For his part he would not express an opinion on the conduct of any man who could not be present to defend himself. But he was sure the Hon. and Learned Gentleman would feel the injustice of his attack, and would lament having made a statement involving so heavy a charge against an individual, when he was told that Sir Harcourt Lees was not in the Commission in any county in Ireland. If such, therefore, were the facts on which the Honourable and Learned Gentleman proposed to refer the petition to the Grand Committee on Courts of Justice, he (Mr. Gouldburn) put it to the House whether they would be warranted in pursuing such a course? As to the appointment of Sheriffs, the Honourable and Learned Gentleman admitted, that whatever of evil had existed in it, had been obviated by preceding Governments; of which Governments, let it be remembered,

towns in
Let a case be
brought forward, and let the House decide upon
that case. He (Mr. Goulburn) had been anxious, ever since he went to Ireland, to discover any such case of corruption if it existed, but, upon his honour, he had been unable to meet with one. Was a general accusation, therefore, to be listened to in the absence of any detailed statement of fact? But the Honourable and Learned Gentleman contended that the Under Sheriffs were corrupt: and, in support of that opinion, read the evidence of a witness before the Committee above stairs, employed in examining the condition of the poor. The Government of Ireland wished for nothing more than to have such a case proved to them. They would visit it with every possible severity. He had declared, over and over again, in Ireland, that if he were once satisfied of the existence of the crime, he would bring the criminal to condign punishment. But he could not proceed on the loose declaration of a witness in a Committee above stairs, not directed against any particular individual. He had been hitherto prevented from attending the Committee, not from any disinclination, but from the great pressure of public business upon him throughout the Session. But from the moment he had heard of that evidence, he had formed a determination to attend and sift the grounds on which it was given, in order that the Government of Ireland might act accordingly. If the Honourable and Learned Gentleman possessed any information on the subject, and would put it into his (Mr. Goulburn's) hands, he would pledge himself that no Under-Sheriff, proved guilty of corruption, should keep his office. But he could not consent to proceed on general statements and on idle rumours, more prevalent perhaps in Dublin, than in any other place in the world. The Honourable and Learned Gentleman talked of the composition of Juries being influenced by these Under-Sheriffs. Never having been before cognizant of such a circumstance, he could not be expected to be prepared immediately to make a complete answer to the Honourable and Learned Gentleman. He repeated, however, that if any such circumstances came to his knowledge he would not hesitate instantly to proceed upon them. There was the name of Mr. Latouche, whose great respectability no one will attempt to deny; a Gentleman who has always stood in the first estimation with persons of all denominations in Ireland. There were also Mr. Newcombe and many others whom he could mention, if he were not afraid of intruding too much upon the patience of the House all Gentlemen standing high in the regard and affections of their fellow countrymen.—So far then as there was occasion to refute the charge made by the Honourable and Learned Gentleman, the proofs alluded to were decisive. Let the House allow much for the exaggeration of rumour, let them allow much for the peculiar character of the Society from which the Honourable Gentleman received his information—a Society composed of persons excluded from the very office filled by those whom they arraigned, and judge what reliance ought

To be Continued in the Appendix.

MIDDLESEX SESSIONS, JUNE 27.

Mr. BOLLAND appeared on behalf of the King, in the case for Prince Paul Esterhazy,

Ambassador Extraordinary and Minister Plenipotentiary from the Court of Vienna, against Vite Maria de Bettera, praying the Court to detain the prisoner in custody until the ensuing sessions. The Learned Gentleman said it would be necessary for him to state at length his grounds for making this application, which he admitted was a very unusual one. The Learned Counsel said he held in his hand four affidavits, and perhaps for the present it would be better to read them one by one to the Court, and he would reserve to himself his reasons until he heard from his Learned Friend, Mr. Adolphus, his answer to the affidavits which he would now read.

The first affidavit was that of Sir Richard Birnie (made on the Bench), stating, that on the 20th ult. Mrs Percy, the wife of Mr. Humphrey Percy, of Charlotte-street Fitzroy-square, appeared before him at Bow-street, and swore the affidavit, of which the annexed is a copy.

Mrs. Percy's affidavit stated, that a few days ago she heard Monsieur Vite Maria de Bettera, who lodged in her house, complain much of the ill-treatment he had received from his Excellency the Prince Paul Esterhazy, in not paying him his just demands, and that if he were not settled with, he would take his pistols and first blow out the Prince's brains, and afterwards destroy himself.—These threats the prisoner expressed in such passionate language, and many oaths, that the deponent verily believes the Prince Esterhazy's life to be in danger from him.

The third affidavit was that of Mr. Wright, a medical gentleman, made yesterday, stating the indisposition of Mrs. Percy, and from her being now in the last stage of pregnancy, it would endanger her life to come to Court in a coach to give evidence agaist the prisoner.

The last affidavit read by the Learned Counsel was that of Prince Paul Esterhazy, which in substance stated, that from the violent manner of the prisoner, his constantly annoying him, and from the statement of Mrs. Percy, he varily believed his life to be in danger.

Mr. ADOLPHUS commenced his answer to the application, by asking the date of the Prince's affidavit?

Mr. BOLLAND answered, the 7th of March last.

"Yes" said Mr. ADOLPHUS, "and upon that affidavit my client was taken into custody, and bound over to keep the peace towards the Prince, himself in 400*l.* and two sureties in 200*l.* each, and although the Prince has received no annoyance from M. de Bettera from that time, my learned friend comes forward, and modestly claims the detention of this gentleman for upwords of two months. As to the affidavit of Mrs. Percy it appears to me to amount to nothing, for how could she understand the blustering of his client in German? And the affidavit of Mr. Wright, the surgeon, was worse than nothing in behalf of this puissant Prince. In the whole course of my practice I never read or heard of such a request being put forward upon such affidavits." The Learned Gentleman in strong language asked why Prince Esterhazy had allowed a whole term to expire without applying to the Court of King's Bench? Surely Mrs. Percy was not so ill but she might, during the last term, have gone to the Court above, and made the necessary affidavit. But that would not answer the purpose intended by the prosecutor of his client.

Mr. BOLLAND attempted to account for articles of the peace not being exhibited against Mons. de Battera; but was interrupted by.

Mr. ADOLPHUS, who requested the production of the commitment, and from it, it appeared evident there was undue influence used some where against his client.

The CHAIRMAN (Mr. Bevil), said that from the whole of the case as stated by Mr. Bolland, no satisfactory answer was given to the prisoner's Counsel, for articles of the peace not having been exhibited during last term; and certainly, upon the affidavits exhibited, the Bench would not be borne out in detaining the prisoner in gaol till the next Sessions.

Mr. BOLLAND did not require that Monsieur de Bettera should remain in prison for two months, but that he should give new securities upon his commitment of the 20th of May.

Mr. ADOLPHUS now took a general view of the whole case, arguing from the laws and constitution of England, that nothing short of oppression some where could have kept the prisoner in goal from the 24th of May until the present time, when he had clearly shown that on the 7th of March he entered into sureties towards Prince Esterhazy, and that not even the shadow of proof was offered of committing in any way a breach of his recognizances. The prisoner was committed to the Sessions. Here he now was ready to take his trial, why did not his prosecutor come forward like a brave man and prosecute? Did Prince Esterhazy suppose that England was filled with bastiles, as other countries which might be mentioned? He would tell that prince, that he, nor all the Princes on earth—no. not, our Lord the King—could keep his client any longer immured in prison; and the Learned Gentleman concluded by requesting the immediate discharge of Monsieur de Bettera.

Here Mr. Maule, of the Treasury, who sat on the Bench, inquired the practice in such cases? He was answered, that it depended, on the Bench whether he would be discharged now or at the end of the Sessions.

The CHAIRMAN said, he would, as the matter of course, be discharged at the conclusion of the Sessions.

Mr. ADOLPHUS here remarked, that if his client had been a common individual he would have been forthwith discharged.

The prisoner was then removed from the Court in the custody of the turnkeys.

Bengal Hurkaru, Nov. 18.

A PEEP INTO THE PANDEMONIUM;

BEING,

A PANDECT of the WHOLE Science of GAMBLING—the Play HOUSES—the Proprietors—their GAMES—HOURS—STAKES—the FREQUENTERS—THEIR HISTORY—PRACTICES, & ANECDOTES—*(Continued from No.* 1.)

"Quæ fuerant vitia mores sunt."—SENECA.

SINCE the publication of our first Number, it is almost incredible the mass of authentic information we have received respecting these sinks of iniquity. We already possess a list of more than 200 names, interspersed with curious anecdotes of persons who frequent gabling-houses, from which we shall, from time to time, select, as may best answer the purpose of the exposè we have in view. During the past week, our publishers have been visited by several of the well-known professors of this vicious practice; who, fearing the lash of *honest satire*, and the *light* of *day*, have by turns, bullied and cajoled, threatened and flattered, to prevent the merited chastisement which awaits them. We are equally invulnerable to all their efforts at suppression, and not less fearless in our determination to destroy this too prevalent and ruinous system. From one of these worthies, who has favoured us with a most singular epistle (in the way of composition) to implore our clemency, we have the gratification of perceiving the *good effect* which has already resulted from our Publication. We shall, for the *present*, suppress his name, more for the sake of his family than himself, (and if he discontinues the practice, it is possible he may escape further notice). We cannot, however, resist the advantage that must accrue to society by giving an extract from his confessional epistle. After imploring our mercy, and stating his dismay and apprehension at being exposed, he informs us that he is a gentleman of "*unblemished reputation* and *unsullied honour*." Good heavens! is this possible, considering the society he has kept. He proceeds, "It was my misfortune to be introduced *to play*, little more than a year since, and I am now determined to relinquish it altogether." Sensible creature! should it prove so, you may yet escape exposure; but the eye of a lynx, and the pen of the moralist, are both ready to detect the non-fulfilment of your pledge. Will it be believed that what follows is from the pen of a constant frequenter of gambling-houses? The writer proceeds, "I have a most amiable family, who look to me for support, comfort, and happiness" Can they ever receive it from the associate of notorious spendthrifts, and the dupe of black-legs? "It would be a refinement of *cruelty* and *injustice* to persist in dragging me into such disgraceful association." Would not, most *amiable sir*, a little prudence on your own part, have rendered unnecessary this appeal? But to the confession—"The houses abound with *old frequenters* and *notorious characters* enough, without thus incautiously classing the *innocent* (pretty lamb) and guilty in one simultaneous mass." We have given these extracts, not from any wish to increase the alarm of the writer, who, individually, we have no intention of exposing; but because they display, in a most powerful degree, the necessity there is for some interference of the legislature, in the suppression of the whole system. We could increase the weight of these remarks by additional extracts from more than a dozen such communications, but we shall convince the writers that we have no personal feelings to gratify. Our object is neither to *extort hush-money*, or point out *individuals* to public execration. We war with an injurious and iniquitous vice, equally destructive of moral and domestic happiness; and if, in the progress of our attack, we should unintentionally wound one truly honourable or worthy man, who has been incautiously made the dupe of sharpers, and the associate of the base of every description, we should not only feel acutely, but express ingenuously, our regret at such circumstance; but

Nam ego illum periisse duco cui quidem periit pudor,

and this must apply to every one, no matter what their rank and consequence in society, who are in the constant practice of associating with professed gamblers, and attending the modern hells of St. James's-street, Pall-Mall, Bennet-street, and Piccadilly.

That we may leave no point untouched of this nefarious system, we insert the following addition to the houses mentioned in our last Number; and this we shall do from time to time, as any new speculation opens.

77, St. James's-street,	B—t and Co:
28, Bury-street,	The same proprietors
Cleveland-row,	Capt. B—& Co., late the *dealer* in Bury-street.
81, Piccadilly,	Capt. W—b—l.

We shall now proceed to some observations upon these places of public vice, which may not be uninteresting to our readers, as little is generally known of what these gaming-houses really are.

These dens have the appearance of private dwellings, with the exception, that the hall door of each is left ajar, during the hours of play, like those of trap-cages, to catch the passing pigeons, and to obviate the delay which might be occasioned by knocking; a delay that might expose the customers to a glance of an unsuspecting creditor, a confiding father, or a starving wife. It is generally understood that a stranger must be what they term "introduced" before he can get admission, or *permission*, to lose his money; and this is to obviate the danger of being surprised by the officers of the law: but it is, alas! too easy to break through that rule; and any gentleman, whom the doorkeeper has sufficient reason to think is not a constable, finds the avenues of these labyrinths too ready to his foot.

On passing the outer door the visiter is impeded by another in the centre of the hall, in which is constructed a small spy-hole, exhibiting the fixed ball of a ruffian's eye, intently examining his figure: if the visiter is a fair pigeon or an old crow, he is at once admitted by this Cyclops, and politely bowed up stairs; at the top of which another gate unbars its power. To this succeeds the last of these barriers, a massy iron door, which on opening presents the visiters of the house with a scene of dazzling astonishment. Around an oblong table*, covered with green cloth, assemble the votaries of gaming on each side: while in the centre sit the *priests* of the ceremony: one to deal the cards and decide events, the other to assist him in collecting the plunder following these events. Behind the company are seen two or three of the proprietors, with eagle-eye, watching the progress of their gains: remorseless, avaricious, and happy, unmarked with the lines of care which contract and deform the faces of their victims,—"they smile, and smile, and murder while they smile."

Their attention is always directed to the Punters, and they talk and they snuff with them, not forgetting to explain the fairness of the game, and the *great losses* they have sustained! While the stranger's eye is delighted, and his avarice stimulated by a profusion of money flying about the table, and *heaped* in the centre, his senses become harmonized with his hopes through the influence of strong wines, liquors, &c., with which he is unceasingly plied by the *obliging* waiters; and believing that his Midas touch must turn any thing into gold, he boldly adventures. In nine cases out of ten he is successful on his first night's play; and, in the glare of his imaginary good fortune, he loses sight of all that proper value which he had before been accustomed to bestow upon his money he becomes profuse in his expenditure, believing that half an hour at Rouge et Noir will make up for all, and he blesses the inventor of a system which ensures him all the happiness of unlimited fortune. A few days, or weeks at most, convince him of his chimerical castle; and poverty, contempt, and destruction, tumble in upon him with all their horrors. It is not unfrequently the case, that men who one day stood beside the proprietors of these tables, not only independently, but looked down upon them, the next day have been obliged to entreat their pecuniary assistance, and to receive the mortification of a refusal.

The first in order, and in consequence, of these Temples of Iniquity, is No. 6, Pall-Mall, better known by the name of the Gothic Hall; this spacious building is fitted up in the most extravagant style of modern elegance, a profusion of chandeliers and candelabras are tastefully arranged to light the victims to the altar of seduction. The furniture is of the most splendid description, and in the ante-room, is arranged a collection of the most fragrant shrubs and choice exotics, forming a grove through which the dupes of these demons are led to destruction. This house was first opened about two years since by a joint stock company of the most experienced gamblers, and was intended by its sumptuous fittings, and extravagant arrangements, to have been exclusively used for the purpose of easing young noblemen and men of fortune of their superfluous cash, and the *unnecessary incumbrance* of a good estate, or the more weighty difficulty of a large funded property. The project originated with, and was carried into execution by, a Reverend Divine, who still officiates as the high priest of this Temple of Vice. As there are some curious circumstances connected with the origin of this house, it would not be doing justice to the parties or the public to pass them by unnoticed. An Irish Banker, Mr. L——had become enamoured of a celebrated courtezan, Mrs B——lk——y, over whose confidence the Reverend Professor of the Black Art, Parson A——, had a most unlimited control. This lady lived in a very splendid style, kept her carriage and her establishment in elegant liveries, gave splendid parties to a few *choice friends* and was in fact the gaze of fashion, and the great orb of attraction, among the licentious and the giddy, who buzz around the unfathomable whirlpool of destructive folly. Many were the attempts of the Banker to obtain an interview with this adorable, but all his efforts proved abortive, till he had made *certain arrangements* with the high priest of her presence, the orthodox confessor, Parson A———; acceptances upon the Bank in Ireland were given for a sum of Five Thousand Pounds, and to this was added a bonus of Two Thousand more in ready rhino, such was the infatuation of this deluded man for a notorious cyprian, who, but a short time before was a nightly attendant in the lobbies of the theatres. Up to this period, the Parson had been a constant visitor at the most notorious play-houses, occasionally picking up a crown or guinea as the pigeons were knocked down by the more wealthy and successfull players; tired of his dependance upon F—l—de, and elated with the success of his late negotiation (which far exceeded his former exploits with his French *chere amie*, the very Reverend determined to form a society of congenial worthies for the humane and moral purpose of opening a superior Gambling House. The abilities of Parson A——were too generally acknowledged not to be highly appreciated. F—l—de, T—f—ton, Sir Charles S——, Lord D——, and about four more, embarked with the Parson in the New Gambling Scheme, at No. 6. The house was opened with great eclât, but the success was by no means equal to the anticipated gains of the parties; in short, the thing was badly managed: the entrance through seven different doors before you gained the Sanctum Sanctorum was rather calculated to create suspicion in the minds of the most volatile or thoughtless; in fact, the object was too notorious, and young men of fashion, although quite foolish enough generally speaking, were not to be duped out of their money quite so glaringly: a separation of partnership was the consequence, but Parson A——being quite as well versed in the common as the canon law, and being withal in Possession of the premises, determined to remain in *statu quo*. This was a gambling transaction, and such subjects are always viewed with a suspicious eye, both by judge and jury; the parson was therefore under no great apprehensions of legal reprisal, and being thus firmly seated in a new and elegant establishment, determined to stand his ground, set his partners at defiance, and keep possession of the property. T—f—ton, and some others, brought actions for their One Thousand Five Hundred Pounds each, but the Parson managed to justify the bail, and the plaintiffs were too wise to proceed. At the commencement of the present season, this house was let by the Parson to a company of Foreigners, at the head of whom is a person calling himself Baron D—v—x. The rent is thirty guineas per day, and thirteen guineas more is paid for house expenses, for which the Parson supplies the company with wine, sandwiches, tea, coffee, and refreshments; the sums, thus paid, will give some idea of the enormous gains of these houses, and to this is to be added the sums paid to the dealers and room-porters, door-keepers &c. some of whom have their five pounds per day, and all are very liberally rewarded. The play at this house is from five shillings to *nominally* one hundred pounds; but, in fact, for any sum you please, by its being previously mentioned to the banker. The chances in Rouge et Noir are about two per cent, against the player upon every stake arising from the aprées's which occur twice out of three deals, or about twice in eight coos or events. Hazard is also played here to a very great extent, and it is no unusual circumstance to see one thousand pounds upon the table at a time. We must defer, for want of room, untill next week, the particulars and anecdotes of the frequenters of this house, and, at the same time, we shall give a brief history of the Parson's Parisan amours with Mrs. D——.

†*No. III of the Gaz. of Fashion.*

* We have received a very excellent sketch of the interior of the most celebrated of these Fashionable Hells, with a view of the *Game*, and the *Table*, with protraits of BANKERS and PUNTERS, GREEKS and PIGEONS; it is in the hands of an able artist, for publication, in a future Number of this work.

BOMBAY—PRINTED FOR THE *PROPRIETORS*, IN RAMPART ROW No. 4.

ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &c. &c. WILL BE THANKFULLY RECEIVED.

Gentlemen about to change their station are requested to give notice to the PURVOE *who will pay due attention to their orders.*

Appendix to the Bombay Gazette.

WEDNESDAY, DECEMBER 10, 1823.

(*Continued from the Page* 874.)

to be placed on the allegations of the Petition. With respect to the Boards of Excise and Customs, he would not now enter into the policy which dictated their formation. The object was to secure the revenue and he might safely add, that all the arrangements were made with a view to that end only. A change, however, had recently taken place in the constitution of those Boards, which would necessarily produce a change in the judicial administration of the Revenue Laws. He knew, indeed, that another description of tribunal was to be established, not liable to the objections arged, against the former one by an Honourable and Learned Gentleman (Hear, hear,) and was it when they were on the brink of abolishing a tribunal that an inquiry ought to be instituted into its proceedings? Having gone over the points in the Petition, which had been particularly dwelt on by the Honourable and Learned Gentleman, the House would, perhaps, allow him, (Mr. Goulburn) to state some other reasons, which shewed that the administration of the laws in Ireland was not a just subject of charge. The Honourable and Learned Gentleman had laid great stress upon the Charge delivered by a Judge (Mr. Justice Fletcher) in 1814, to a Grand Jury, while on Circuit. He (Mr. Goulburn) was unwilling to say any thing of that Grave and Learned Person which could aggravate the feelings of his friends, or which was not compatible with the respect due to his character. But the Honourable and Learned Gentleman had alluded to another Charge delivered by Judge Fletcher, at a subsequent period, which, in his opinion, also went to substantiate the statements in the Petition. Now, he (Mr. Goulburn) knew, that on Judge Fletcher's return to Dublin, on being questioned whether this latter charge was faithfully reported in the Newspapers, he explicitly stated, that so far from being correct, it was at variance with the truth. Might it not, then, be presumed that the former Charge was published by persons of the same disposition, and having the same object as those from whom the latter emanated! But there were other grounds for believing that the administration of justice in Ireland had been misrepresented. He yesterday had occasion to state that one of the most necessary duties of the Irish Government was to superintend the administration of the laws. About one-third of all the criminal cases which were tried not only in the superior, but in the inferior Courts of Ireland, came before the Lord Lieutenant by Petition, and were thus actually re-tried. In investigating these Petitions, it often became the duty of Government to refer to the Judge who presided, to know whether he the Petitioner was entitled to the mercy of the Crown, or whether the verdict of the Jury accorded with the evidence adduced. As he had already observed, this took place, not only in cases of capital, but also of minor charges, and he could say, that since his connection with the Government of Ireland, no instance had occured in which the Judge imputed corruption or partiality to a Jury. If, then, Judge Fletcher knew of improper conduct on the part of Juries, the practice just mentioned gave him an opportunity of communicating it to the Lord Lieutenant, or even if they were not referred to, was it not to be presumed that of himself he would bring the abuse under the notice of Government. He (Mr. Goulburn) therefore thought that he had good grounds for doubting the correctness of the statements in the charge of 1814, and the more when it was admitted that the subsequent charge was grossly falsified. But what applied to this particular Judge went much further. It not only applied to cases tried before Judge Fletcher, but to those tried before the other Judges: and if no imputation was to be found in any of their Reports upon the conduct of Juries, the charge of the Honourable and Learned Gentleman against the administration of justice in Ireland was not correct; it was not deserving of censure—nor was there any ground for calling upon the House to enter upon the proposed inquiry. But it might be said that the Judges were themselves Protestants, and were therefore willing to screen Protestant Juries for violating their duty. If it were found in the greater number of Petitions presented to the Lord Lieutenant that the Petitioners pleaded the partiality of the Juries, though that fact would not be conclusive evidence that the Judges had acted in the above manner, it would at least afford ground for declamation. This plea, however, had not been advanced except in two instances, and such a circumstance, in his opinion, proved that the charge of corruption, and partiality against Jurors, was gratuitous and that the Judges were above suspicion. But the Honourable and Learned Gentleman said that partiality existed not only in criminal but in civil cases. In refuting this part of the accusation, he (Mr. Goulburn) thought he could adduce the most satisfactory evidence. In order to meet the general assertion in the Petition it was necessary to ascertain what remedy was open to those suitors who considered themselves injured and whether they appealed to that resort or not. The first thing to inqure was, the proportion which the number of motions, for new trials bore to the number of cases previously decided. If the Catholic could not obtain justice from Protestant Jurors they profess to vererate the Judges and would resort to them. Upon this subject he (Mr. Goulburn) should quote the opinion of Mr. O'Connell, a Gentleman who had signed the present Petition, and whose experience of the Courts in Dublin enabled him to form a correct estimate of the character of the Judges. He should on this occasion quote from the *Dublin Evening Post*, which was at least as valid authority against the Hon. and Learned Gentleman opposite, as in his favour. The Right Honourable Gentleman here referred to a late speech of Mr. O'Connell's, in which that Gentleman characterised most of the Judges in Ireland as persons of tried sincerity and honesty, and some of whom, he said, he had a proud satisfaction in holding up to the world, as bright examples of learning and integrity. The entire of the present Judges in the Court of King's Bench, Mr. O'Connell considered of this description, & such as he had never expected to see at the head of that Court. Some Judges in the other Courts were also entitled to the same praise. If, then, resumed Mr Goulburn, the Catholics were treated with injustice by Juries, there was, on the admission of Mr. O'Connell, the Court of King's Bench open to them, where they might be certain of redress: but if, on the contrary, they did not appeal to that resort, was it not evidence of the fair administration of the laws? Let the Honourable Gentleman compare the number of motions for new trials in the Court of King's Bench, in Dublin, last year, which was 32, with the number of similar motions in the Court of King's Bench, in England, which was 114, and he would find that they bore about the same proportion to each other as the causes decided. The House would then, he trusted, allow Mr. O'Connell's speech and practice in favour of the administration of the law, to balance his argument against it in the Petition. He was not certain that there were any other points of the Honourable and Learned Gentleman's speech which it was necessary to notice. In the observations he had made, he did not attempt to compete with the eloquence of the Honorable and Learned Gentleman, but he had stated facts, and facts only, in opposition to general assertions. Those assertions, too, came from a person interested (though not in a pecuniary sense) in holding up the grievances of the Catholics in the most glowing terms. Before concluding, he could not help remarking, that the Hon. and Learned Gentleman's argument, the fair administration of the laws to Catholics, was too narrow, and should have embraced England as well as Ireland. If justice were not done to the Catholics in one country, it could not be expected by them in the other. But there was, besides, the evidence to which he had already alluded—that of the Marquis Wellesly, of the Attorney General, and the Solicitor-General for Ireland, and he might add his own testimony, against the vague allegations of the Petitioners. The two latter, perhaps, might be suspected of some prejudices upon a question between Protestants and Catholics, but it should be recollected that as Members of the Government, they were interested in securing to the country the benefits of an impartial administration of justice. In short, upon considering the whole of the statement made by the Hon. and Learned Gentleman, he could see no reason to concur in a motion which went to fix a stigma upon the whole administration of the law in Ireland. The House ought to be cautious how it gave encouragement to the Petitioners—for he sincerely belived, if the inquiry now asked were granted, Parliament would soon be called upon, if not by the same persons, by those of similar principles, to vilify every person holding a public situation in Ireland, and every institution belonging to the country. Upon these grounds he should vote against the motion. (Hear, hear,).

Sir H. PARNELL believed he could state same facts which would alter the opinion formed by the Right Hon. Gentleman who just sat down, respecting the administration of justice in Ireland. With regard to the conduct of the Sub-Sheriffs, he (Sir H. Parnell) was rather surprised that the evidence given before the Committee up stairs on the Usury Laws had made no impression on the Right Hon. Secretary. One witness, when asked why the capital of this country met with such obstructions in its transference to Ireland, ascribed the circumstance to the conduct of the Sub-Sheriffs. He was then asked, did he allude to the difficulty of executing the King's writs for debts? to which he answered in the affirmative, and that this was the universal complaint in Ireland. The Right Hon. Baronet (Sir H. Parnell) then referred to some other evidence to the same effect and observed that Lord Redesdale had justly remarked that the dictum of the great Coke was reversed in Ireland, for instead of execution being the end, it was there only the beginning of the law. (Hear, hear her) The Right Honourable Secretary had inferred that the charge delivered by Judge Fletcher in 1814 was not correctly published; but he (Sir H. Parnell) had the pleasure of knowing that learned and exalted character, and was informed by him that he corrected the report for publication—(Hear, hear,)—and that it was a moderate expression of his sentiments respecting the administration of the laws in Ireland.—(Hear, hear, hear.)—As to the conduct of the inferior officers of justice, it was notoriously corrupt. He knew one instance where the Bailiff employed by the Sheriff to summon persons as Jurors, received a fee of five shillings for each individual whose attendance he excused. —The Sheriff supplied him with a quantity of summonses, in which the places for the names were left blank, and whoever refused to pay 5s. to the Bailiff, had his name immediately inserted, and was compelled to attend, and this he (Sir H. Parnell) was informed was the usual practice in most parts of the country. The Right Hon. Gentleman (Mr. Goulburn) had not fairly re-

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presented the Petitioners when he stated that they were dissatisfied with the whole administration of the law. Where the Sheriffs, though Protestants, were appointed by the Judges (which was now the case with respect to Sheriffs of Counties), the Catholics did not complain; but they complained of the Sheriffs appointed by Corporations, particularly by the Corporation of Dublin. He had also said that he should rest his defence on facts only, and in support of this assertion, referred to the Petitions presented to Government by convicted criminals. This, however, was an omission of half the facts: for he had merely alluded to the injustice which might be done by conviction, but had said nothing of the injustice done by acquittals. The revision of the Magistracy was a subject which certainly had a beneficial tendency, although it was rather by intimidating Justices of the Peace from preceeding in their old courses, than by any immediate means. It was, indeed, the beginning of a good system, and he gave Government full credit for it as such; but Ministers should do a vast deal more in the same spirit, before the country could derive substantial and permanent relief from what had already taken place.

Col. BARRY rose to oppose the motion, and said, if no better arguments could be urged in its favour than those to be drawn from the instances mentioned by the Hon. Bart. (Sir H. Parnell) the House would have little hesitation in deciding upon it. The Catholic Association, from which this Petition originated, was one which ought not to exist in any well-constituted State. It was suffered to sit in the immediate neighbourhood of the Castle of Dublin, issuing resolutions, and keeping up all the forms of a Parliament, except that it had not mace upon the table, nor a Serjeant at Arms at the door. If the Government of Ireland suffered such an assembly to sit in its vicinity, it deserved, and he hoped it would be obliged to abandon the reins of Government, with the disgrace which belonged to it, for having tolerated this focus of sedition.—The debates which took place in that association went constantly forth to the public, and they were evidently calculated by their inflammatory nature to set one part of the population against the other. Amongst other observation it was averred that 20,000 Orangement intended to massacre the whole Catholic population. If that association were not put down, Government would be either obliged to yield entirely to the tumults raised by them, or else to abandon the task which they had undertaken—that of ruling the country according to law. The Honourable Gentleman here read an extract from one of the speeches recently delivered at a meeting of the Catholic Association, in which the orator pointed out to his Catholic fellow-countrymen the propriety of carrying arms for their defence. He knew that the individual to whom he alluded, afterwards, denied having used the expressions imputed to him (hear, hear; but he also knew that the note-taker, by whom the speech was reported, offered to declare, on oath' before any competent authority, that, those expressions did fall from the Gentleman in question. (Hear.) Another statement was that 20,000 Orangemen would exterminate the Roman Catholics of Ireland. This was absurd. What proportion he would ask, did the whole body of Orangemen bear to the vast numbers who were acting, in every country under the directions of *Captain Rock?* He gave the Learned Gentleman every credit for the eloquence and animated declamation with which he introduced this subject; but he had to complain, that the Learned Gentleman had not brought forward any facts. The Learned Gentleman admitted that those who intrusted him with the Petition had not supplied him facts; and the reason he gave for their not having done so, was the notoriety of the grievances set forth in the Petition. If they were so notorious, why did not the Learned Gentleman fill up the blank by some statements of his own? He however, accounted in a more natural way, for this extraordinary absence of facts. He believed that the Petitioners had no facts to state. Was it to be supposed that if they were in possession of facts, they would keep them back out of mere forbearance? The whole tenour and constructions of the petition he held to be a gross libel on the gentlemen of Ireland. It contained a good deal of that bombastic eloquence which might be expected from the quarter whence it came; but in sense and reasoning it was wholly deficient. There was one passage in the Petition to which he wished particularly to advert. It ran thus:—"The passions which arise from sectarian hatred, inflamed by the fears of endangered avarice, are of the fiercest kind, and naturally lead to a frightful excess. (Hear.) The sacred writings are tortured into a profane instrumentality, the Bible resorted to for the suggestions of massacre (Hear) and the injunctions of murder are drawn out of every word of God (Hear;) conscious of the guilt of their sanguinary affiliations, they fly from the light; their league against their country is veiled in a sacriligious darkness, and their impious fidelity secured by a blasphemous appeal to the sanction of an oath." These ideas were founded, he supposed, on a pamphlet, entitled "The Orange System Unmasked," and printed by Mr. Milliken, of Dublin; upon which also a Right Hon. Baronet opposite (Sir J. Newport) had, he believed, examined some of the witnesses, during the late inquiry. He would only say that he never recollected to have met with such exaggerated, and absurd falsehoods as were contained in that publication.—A great part of the statement contained in the Petition rested on the Charge of Mr. Justice Fletcher in 1814. He had the honour of knowing that learned person, and had after argued with him on this very subject. A report of the Charge appeared in the newspapers, which, was wholly different from what the Learned Judge really delievered. He happened to be foreman of the Grand Jury to which the charge was addressed, and he felt it to be his duty to speak to the Learned Judge about that which had been published. Mr. Justice Fletcher then declared, "that there was scarcely a word which he had uttered in the Printed Charge," (Hear,) One expression in the Charge was, "that the violence of the Magistrate drove thousands into rebellion." Now such an assertion could not stand. It was not for instance, applicable to the county which he had the honour to represent. It was the pride of that county that there was never any disturbance there. At least there was never any serious disturbance. There was of course fighting at fairs, and petty riots of that description. (A laugh) but nothing more. Mr. Justice Fletcher had at a period subsequent to his Charge, told him (Colonel Barry) most unequivocally, that he never saw any thing improper in the conduct of the magistrates, and his opinion had been very considerably altered since 1814. (Hear.) He begged leave, in support of his opinion to quote the sentiments of another Learned Judge, Mr. Brown Smith, who, in passing sentence on two persons who were tried at the Londonderry assizes for murder and treason, made use of these words:—"The case is made out against you, by men whom I suspect to be Orangemen, but more fair and candid testimony I never heard in a Court of Justice. What I stated to the Jury, as favourable to you, was founded on the evidence of those witnesses. The Jury, who are exclusively Protestant, have gone beyond what I recommended. They have acquitted you of the murder altogether, and they have recommended you to mercy for the other offence? thus showing the baseness of those calumnious reports and falsehoods which have been so industriously propagated to render individuals of different persuasons hostile to each other. I will say, that in the administration of justice, a uniform regard is had to the interests of the Roman Catholic: and a degree of indulgence is granted to them much greater than we extend to ourselves. This arises from a spirit of pure liberality." Such were the sentiments uttered by Mr. Baron Smith about a year after the celebrated charge of Mr. Justice Fletcher, and indeed the Roman Catholics themselves did not complain of the manner in which the business of the Courts of Justice was conducted. There was one part of the statement of the Learned Gentleman, which he confessed, gave him very considerable pain. He alluded to a letter said to have been written by a late Attorney-General for Ireland. He was extremely sorry that the Learned Gentleman should have recurred to a subject which he thought had been set at rest for ever, particularly when the base and imfamous manner in which the letter had been procured was recollected. He should now bear testimony to the pure state of the administration of Justice in Ireland. He had not had the experience which other gentlemen possessed, of the proceedings that were adopted in the disturbed counties.—His county was fortunately exempted from those scenes of outrage and disgrace which were too common in other parts of the country. The population lived in a state of peace and amity with each other. Until he saw it stated in the Petition, that the sources of justice were polluted throughout Ireland, he had never known such an assertion to be hazarded. Some abuses might perhaps exist: and where these were pointed out, they ought to be remedied. If the Learned Gentleman could bring forward any abuses, he could assure him that he would cheerfully lend his aid in inquiring into and removing them. But when complaints were made with respect to the administration of the law in Ireland, it ought never to be forgotten, that where great excitement prevailed, it was very natural to expect that much odium would be thrown on those by whom the laws were administered, however faultless their conduct might really be He admitted that Ireland was in a state which must make every reflecting man tremble —(hear, hear,) and if decisive measures were not taken very great mischief must, of necessity, be the result. He would be a bad legistator who resorted to alterative measures for the purpose of getting rid of so virulent a complaint. In the very first instance such measures should be taken as would effectually prevent the patient from injuring himself of others. They ought to put down that which if not open rebellion, was a state very little removed from it. Measures of conciliation as they were called would produce no adequate effect. Could any one imagine that such measures would remove the mischief at once? There was, he asserted, great party spirit on both sides—there were infamous publications on both sides—and he wished to see them all put down. Without being less a friend to freedom than any Gentleman in that House, he must say, that a state of things prevailed in Ireland which ought to be put down by the strong hand of power. Then, and then, only, ought they to apply remedies to prevent the recurrence of the evil. The mischief which arose from heated discussion, and from the extremely vitiated state of the public press, were most appalling. Nothing could have so good an effect as putting down, by the strong hand of power, all irritating harangues, and all inflammatory publications. For that purpose he would intrust the Government of Ireland with even stronger powers than those which they had demanded.

(To be Continued.)

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